# Intolerance in the Reign of *Elizabeth*, Queen of England

*By* Arthur Jay Klein

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# Intolerance in the Reign of Elizabeth

# INTOLERANCE

## IN THE REIGN OF

# Elizabeth

## *Queen of England*

*By* Arthur Jay Klein, Professor of History in Wheaton College, Norton, Massachusetts.




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# PREFACE

In the preparation of this study the writer has attempted to make the text interesting and intelligible to the average reader. He has, therefore, relegated the dry bones and paraphernalia of study to the footnotes and a bibliographical appendix. The material for the reign of Elizabeth is so voluminous, however, that footnotes and bibliography are not complete. The footnotes do not represent all the material upon which statements in the text are based, but the writer believes that the authorities given amply support the opinions and conclusions there expressed.

In selecting material for the footnotes from the vast amount of published and unpublished source matter collected in the preparation of this essay, the author has confined the references for the most part to a few representative men and collections of sources. The works of Jewel, Parker, Whitgift, Hooker, and Cartwright, the *Zurich Letters* and the *Domestic State Papers*, have, for instance, been chosen as most representative and easily available to the general reader. Unless otherwise noted, however, the author has depended upon the manuscripts in the Record Office and not upon the *Calendar of the Domestic State Papers*, since the *Calendar*, especially for the earlier years of Elizabeth's reign, is often so condensed as to give inadequate information. The representative sources selected have been given so as to make as complete as possible, within the limits of this study, the facts and opinions presented by them. Other sources have been given whenever those chosen as most representative were lacking or were not of sufficient weight.

The sources used consist of the laws, Parliamentary debates, acts of Council, proclamations, public and private

papers, correspondence, sermons, diaries, controversial works, and foreign comment. References in the footnotes to secondary works have been reduced to the minimum for the sake of the appearance of the printed page, but the writer has tried to express his sense of obligation to the work of others in the Bibliographical Appendix. It is hoped that the Appendix will serve the further purpose of assisting the American student, about to enter upon a study of Elizabethan ecclesiastical and religious history, to find his way in the somewhat confusing mass of the literature of the period.

There remains the pleasant duty of expressing my gratitude to the officials of the Public Record Office and of the British Museum for their courteous and painstaking assistance. To the Reverend Mr. Claude Jenkins, of the Lambeth Palace Library, who took the time to teach an American stranger how to read and handle the documents of the period, I owe one of my most pleasant memories of England and of Englishmen. To Miss Cornelia T. Hudson, reference assistant in the Library of Union Theological Seminary, I wish to express my thanks for friendly help in excess of the official courtesy with which I have met in all the libraries I have consulted. The mere acknowledgment of my debt of gratitude to Professor James T. Shotwell, of Columbia University, and to Professor William Walker Rockwell, of Union Theological Seminary, must necessarily express inadequately the value of the encouragement, the suggestions, and the hours of labor which they have so freely given. The kindness of Professor Edward P. Cheyney, of the University of Pennsylvania, in reading and criticizing the completed manuscript, and the help in reading the proof given by Professor F. J. Foakes Jackson, of Union Theological Seminary, have assisted materially in making the essay more readable.

ARTHUR J. KLEIN.

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# INTOLERANCE IN THE REIGN OF ELIZABETH

## CHAPTER I

## INTRODUCTORY

Most of us feel that intolerance is an antiquated evil. We hasten to enroll ourselves in the ranks of the tolerant, and at least in the free world of hypothesis and speculation, we experience, at little cost, the self-congratulatory pleasure of thus reckoning ourselves in the advance guard of civilization. As a matter of fact, our conception of tolerance is usually so vague as to entail no renunciation of our pet prejudices: our renunciation is confined to the abandonment of intolerant principles, moribund some centuries before our birth. Men have probably always in this way proclaimed their allegiance to the spirit and principles of toleration without being seriously disturbed by their own intolerances, and without voicing any earnest protest against the intolerance of their own time. We easily recognize the inconsistency between the utterances and the attitude of Elizabethan Englishmen who insisted by means of prison and banishment that the forms of a Prayer Book be strictly observed, and looked with horror upon the Spanish Inquisition. We smile a superior smile over their boasts of tolerance on the score that the number of Catholics killed by Queen Elizabeth did not equal the number of Protestants killed by Queen Mary, and we may even see the weakness of their modern apologists who point with pride to the fact that Elizabethan England had no St. Bartholomew's Eve. The examples of such inconsistency are amusing and satisfying in direct proportion to their antiquity and their distance from our own ruts of thought. When in England it became possible for all

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religions to exist side by side, and men therefore proclaimed themselves tolerant, there was still attached to Catholicism and to all forms of Protestantism other than the particular form known as Anglicanism the penalty of the curtailment of political rights. Some Englishmen are still unreconciled to the removal of divorce and marriage from the jurisdiction of the Established Church. Some Americans still defend Sabbatarian legislation enacted at the demand of a religious prejudice which saw no intolerance in forcing the extreme interpretation of the Mosaic law upon Christian and non-Christian alike. Like our ancestors, we leave sufficient leeway for the full play of our own intolerances and with easy carelessness avoid the discomforts of exact definition.

Intolerance is essentially a social phenomenon based upon the group conviction of "rightness." When manifested by the dominant group, it is both a dynamic and a conservative force. It is occupied with the maintenance of things as they are, and has for its purpose social unity. It exerts itself to bring into line those individuals, or groups of individuals, who are clinging to things as they were, and attempts to restrain the individuals or groups of individuals who are striving toward things as they shall be. Its relations and its sympathies are closer to the past than to the future. It bases its authority on accepted knowledge or opinion. Opposed to it are the groups who cling to opinions already rejected and the groups with opinions not yet accepted. Intolerance is a phase in the development of social consciousness, a part of the process of whipping into shape unique or diverse elements of the social group. It is a by-product of the process of social grouping. In so far as the various social groups have conflicting interests or standards, and so long as the existence of one or more groups is theoretically or practically inconsistent with the existence of other groups, antagonism or *intolerance* results. Since the social relation-

ships of men are practically infinite in variety, intolerance may be displayed upon any subject of sufficient interest or importance to secure the adherence of a group, and may manifest itself in an infinite variety of ways. Medical intolerance has shown itself in the persecution of the advocates of anæsthetics and antiseptics. National intolerance of the foreigner, legal intolerance of new conceptions of justice, social intolerance of unusual manners, the intolerance of the radical for the slower-minded conservative in politics, economics, law, or dress, — these intolerances may vary in extent, nature, and results, and their history is merely the story of the modification of the extent, nature, and results of antagonisms.

Necessarily the intolerance displayed by the larger groups of society is most conspicuous and receives the most attention, although from the standpoint of the progress of society such intolerance may not be of the most far-reaching influence. Religion, for instance, which occupies the consciousness of groups of international size, has been given so much attention by the writers on intolerance that it has become necessary to resist its claims to a monopoly of the word.

Religion, however, is of great importance for the subject of intolerance from other reasons than the mere size of the religious groups. Religion is based upon bodies of opinion that are regarded as more important and as more positive than any of the other facts of human life. Starting with a group of opinions which are positively and supernaturally revealed, religion offers the greatest resistance to the attacks of critical reason and to the advance of the merely human phases of knowledge. It insists with inflexibility upon the truth of its tenets and the acceptance of them by all men. Historically, also, the religious organization in Western Europe obtained such a dominance over men that it succeeded in subjecting to its religious and ecclesiastical control elements of social activity which, as we view the matter now,

were only remotely connected with the acceptance of its fundamental body of divinely revealed dogma. It succeeded in adapting to this dogma almost the whole body of scientific and social investigation. Chemistry, anatomy, botany, astronomy, as well as law and government, all felt the restraining force of ecclesiastical conceptions and dogmas. Its supernatural elements were emphasized at the expense of human progress. Claiming to be the most social force, it became anti-social in so far as it made its ideal one of otherworldliness. Obviously the students of intolerance have a rich and important field in religion.

The Christian religion has afforded material for studies of pagan intolerance of Christians, and Christian intolerance of pagans. We have volumes upon Catholic intolerance of Protestants and upon Protestant intolerance of Catholics and of other Protestants. The study of religious intolerance, both Catholic and Protestant, in the field of non-religious activities is still rich in unexplored possibilities, so rich that it is perhaps useless to attempt to call the attention of the historians of intolerance to the fact that there is also a field worth investigating in the groups of non-religious intolerance. A very interesting book, or series of books, even, more useful than much that has been written about religious intolerance, might be compiled by some one who turned his attention to the intolerances of medicine, of law, or of etiquette. They might even repay the historian by displaying a humorous ridiculousness that the solemn connotations of theology make impossible in that field.

It is unfortunate that the study of intolerance has been so largely confined to a record of punishments and penalties, and has concerned itself so little with the development of positive tolerance. The interesting and important thing about intolerance is its decrease. It has usually been taken for granted that decrease of intolerance has meant increase of tolerance; but this is not always true and tends to make tolerance synonymous with indifference. Tolerance becomes

at best easy amiability. Indifference and amiability are negative and afford no basis for the self-congratulatory attitude we like to associate with tolerance. Tolerance as a force provocative of progress is positive. It implies a definite attitude of mind, an open-minded observation of divergent opinions, a conscious refraining from the attitude of condemnation, and a willingness to adopt ideas if they prove, or seem likely to prove good. Intolerance of heretical ideas prevents progress. Tolerance welcomes the new, looks to the future, has a supreme confidence in the upward evolution of society.

It is the purpose of this essay to examine one very small field of religious intolerance, that in England during the reign of Elizabeth. Much has been done already. Catholics and Anglicans alike have devoted volumes to the suffering and disabilities of the Catholics. The subordination of religious to political considerations which marks the step in the direction of religious tolerance that came with the revolt of the nations from the suzerainty of the Papacy and the formation of national churches, has been repeatedly emphasized. The importance of the period for the developments in the reign of the Stuarts has been pointed out. But unfortunately attention has been confined too exclusively to the government and the Anglican Establishment. Of almost equal importance are the rise of the dissenting Protestant groups in England, particularly the Presbyterian, and their attitudes and theories of relationship with the Catholics, the Established Church, and the government. Elizabeth's reign was essentially a period of the formation of parties and opinions. During her reign Puritan and Independent came to group consciousness, grew into awareness of themselves as distinct from Anglicanism and from each other; the Anglican Church rose, collected its forces, and transformed itself from a tool of secular government into a militant ecclesiastical organization. The ground for the later struggle

was prepared; and if in the seventeenth century we find distinctly different theories at the basis of intolerance, we must seek the origin of the later attitude in Elizabeth's day. Her reign is a time of beginnings, a period of preliminary development, and partakes of the interest and uncertainties of all origins of complex social phenomena.

The purpose of this essay is to estimate and to call attention not only to the intolerance of the government and the Established Church, but also to the rising Protestant groups of dissent, and to indicate the way they conditioned and influenced the attitude of both the government and the Church and intrenched themselves for the future conflict.

## CHAPTER II

## POLITICS AND RELIGION

UNLOVED and disheartened, Mary Tudor died on the 17th of November, 1558. Her sincere struggle to establish the old faith in England once more, her pathetic love for Philip of Spain, the loss of Calais, the knowledge that without children to succeed her the work done could not endure, — all these things had made her life a sad one. Our imaginations have clothed her reign with gloom and blood, while that of her successor has become correspondingly splendid, intriguing, fanciful, swashbuckler, profane, — a living age. We approach the study of Elizabeth's reign with the expectation of finding at last a period when life was all dramatic, but, as always, we find that the facts are less romantic than our imaginative pictures.

Life to the Elizabethan Englishman was not all a joyous adventure. Famine and pestilence ushered in the reign. An empty treasury confronted the new queen. The commercial and the industrial life of the kingdom declined. War with France and Scotland made taxation heavy. The army and navy were riddled by graft, and crumbling fortresses indicated a lack of national military pride. The officials of Mary's rule still maintained their power in Church and State, objects of hatred to the people, and — the greatest danger to the Queen's peaceable accession — centers around which might gather foreign opposition to the daughter of Anne Boleyn.

### ELIZABETH'S ALLEGED ILLEGITIMACY

In the eyes of her Catholic subjects Elizabeth rested under the shadow of an uncertain title. The charge of illegitimacy had stamped its black smudge upon the brow of

the baby girl, followed her through young womanhood in her uncertain and dangerous position during the reign of Mary, and when death had removed Mary, strode specter-like across the joy of the nation. Upon Elizabeth's entry into the City she was greeted with great demonstrations of joy by the populace, but the councillors whom she had called around her[1] realized that within the kingdom, Catholic love for Mother Church and power, Catholic consistency, might unite a large party which, resting upon papal condemnation of the marriage of her father and mother, would reject her claims to the throne. Domestic dangers to her position might also threaten from that anti-Catholic party whose members had grown bitter under the persecutions of Mary.[2] The domestic dangers became menacing and real by reason of their complication with the projects and ambitions of foreign powers.

From the fact of Elizabeth's illegitimacy in the eyes of the Catholic world sprang two great foreign dangers, the one to endure throughout the reign, the other to end only with an act which has brought upon Elizabeth's name an undeserved reproach; the Papal See was hostile and Mary of Scotland set up a claim to England's throne.

Neither Elizabeth nor her advisers, probably, expected that a break with the Papacy could be avoided. The Pope's attitude must necessarily be determined in some measure by the pronouncements of his predecessor upon the marriage of which Elizabeth was the fruit. It could hardly be ex-

[1] Cecil, Parry, Cave, Sadler, Rogers, Sackville, and Haddon were summoned to her at Hatfield. The old council was reorganized. Sir Thomas Parry became Comptroller of the Household; Sir Edward Rogers, Vice-Chamberlain; William Cecil, Principal Secretary in the place of Dr. Boxall, Archdeacon of Ely; Sir Nicholas Bacon displaced the Archbishop of York as Keeper of the Great Seal; while the Earls of Bedford, Derby, and Northampton, Cave, Sadler, and Sackville took the places of Mary's councillors. Pembroke, Arundel, Howard, Shrewsbury, Winchester, Clinton, Petre, and Mason continued.

[2] S. R. Maitland, *Essays on Subjects connected with the Reformation in England, with an introduction by A. W. Hutton* (London and New York, 1899), Essays VI, no. ii; VII, no. iii; VIII; IX; X, quotes from Knox, Goodman, Whittingham, Kethe, Becon, Bradford, Ponet.

pected that the most compliant and peace-loving of popes would heartily welcome to the family of Catholic royalty the daughter of Anne Boleyn. Still less could it be expected that Paul IV, energetic and uncompromising, would disregard that quarrel which had torn England from the fold of the faithful. Theoretically, at least, — and it was chiefly upon theoretical grounds that those closest to Elizabeth had to base their policy, — Mary of Scotland must have seemed to the Papacy the only logical and legitimate heir to England's throne.

Mary recognized her advantage, and she was sufficiently vigorous in her Catholicism and shrewd in her politics to seize every weapon opportunity might offer. Although Elizabeth was seated upon the throne and was supported by the sentiment of the English people, Mary's hope of displacing her was by no means based on dreams alone. She had married the Dauphin of France, who succeeded to the crown as Francis II but a few months after Elizabeth's accession, and upon the advice of the Cardinal of Lorraine the new King and Queen at once added to their other titles that of King and Queen of England. With France behind her claim, and the Pope supporting her, Elizabeth might have been crowded off the throne and England forced into Catholicism, had Philip, the autocrat of the Catholic powers, also thrown his weight into the struggle upon the side of Mary. But Philip, with all his Catholic enthusiasm, would never allow France and the Guises to attain that dominance in European affairs which the addition of England to their power would have meant. Philip did not love England, nor did he wish to see it become Protestant, but at the first he had hopes that the country might still be preserved for Catholicism and be made to serve his own purposes against the aggression of France.[1] Elizabeth played with the offer of marriage which Philip made as long as it was possible to avoid a decisive answer, and encouraged

[1] *Venetian Calendar*, 72, April 23, 1559, June 11, 1559.

him to believe that the Council of Trent might accomplish something to make reconciliation possible even though she rejected his hand. Philip lent his aid in securing favorable terms for England at the Peace of Cateau-Cambrésis and relieved her from the embarrassment of his opposition at the time when he could have done most harm to Elizabeth.

But Mary's purposes were not balked by the opposition of Philip alone. She did not have the sympathy of her own land, Scotland, either in the alliance with France, in her desire to establish the Catholic religion, or in her opposition to England. In Scotland the Reformation had established itself among all classes, although the motives which inspired them were not exclusively religious; for, in Scotland, as in other countries, a variety of purposes inspired the Protestant party. Here, as elsewhere, it was not simply a religious reformation, but a social conflict arising from political, economic, and legal motives. The party formed in Scotland in 1557 was made up of elements looking for the spoil of the wealthy and corrupt Church, for the expulsion of French influence from the country, the lessening of the royal power, the establishment of Protestant doctrines; and it was from these diverse elements that the signers of the first Covenant were drawn. Nor did the Covenant represent the extreme Calvinism usually associated with the Scotch; it demanded merely that the English Book of Common Prayer be used, and that preaching be permitted. Not until after the return to Scotland of John Knox in May, 1559, was the stamp of uncompromising Calvinism placed upon the Scottish Church. Mary could look for bitter opposition from her Scottish subjects if she tried, with French aid, to establish herself upon the English throne and attempted to impose Catholicism upon the English people and autocratic power upon Scotland. In spite of these difficulties, however, the danger to England was real. Any change in the situation which might free Mary's hands, or any change in the attitude of Philip which would cause him to abandon his hostility to France

and unite with that country in opposition to England, might sweep Elizabeth off the throne and place the nation in danger of foreign dominion. From this situation came that succession of crises calling for the patriotism of Englishmen which ended only with the death of Mary and the defeat of the Armada.

### THE CAUTION OF THE GOVERNMENT

In these circumstances domestic considerations were of primary importance in determining the character of the changes in the religious establishment of England. Of first importance, also, in any changes to be made was the personal and dynastic safety of the Queen. The necessity of making her position as queen secure took precedence over all questions of personal or national religious preference. Could her throne have been secured most certainly by continuing the alliance with the Papacy by means of diplomatic accommodations on both sides, doubtless this would have been the method adopted. The personal attitude and character of Paul IV, and perhaps also French influence upon the Papal See, the Continental religious and political situation combined with the domestic situation to make such a solution of Elizabeth's difficulties well-nigh impossible. Without voluntary concessions on the part of the Papacy,[1] it seemed to Elizabeth's advisers more dangerous to meddle with the papal power in England than to abolish it altogether.[2] Yet the wretched condition of the military and economic resources and the uncertainty of national support made dangerous a step so radical as complete separation from the Roman Church.

[1] Dixon (*History of the Church of England from the Abolition of the Roman Jurisdiction* [Oxford, 1902], vol. v, p. 88) has disposed of the often-repeated assertion that the Pope offered to confirm the English Prayer Book if his authority was acknowledged. But *cf.* Raynaldus, no. 42 (trans. in E. P. Cheyney, *Readings in English History*, pp. 373–74), where the offer to sanction the English Liturgy, allow the Lord's Supper in both kinds, and revoke the condemnation of the marriage of Henry and Anne is printed.

[2] *State Papers, Domestic, Elizabeth*, vol. I, no. 68.

The government advanced with caution. The exiles on account of religion were allowed to return in great numbers, but nothing was done for them. In May, 1559, Jewel complained to Bullinger, " . . . at present we are so living, as scarcely to seem like persons returned from exile; for to say nothing else, not one of us has yet had even his own property restored to him." [1] All preaching was prohibited until Parliament could meet to decide upon a form of ecclesiastical settlement.[2] The Queen herself received men of all parties, wrote to the Pope,[3] kept up her friendship with Philip of Spain. The Council repressed the enthusiasms of Catholics and Protestants alike. The government was anxious to give neither Protestants nor Catholics hopes or fears which would bring matters to a crisis until they had formulated and arranged for the execution of the policy best suited to secure the allegiance of as great a number of all religious parties as was possible. Dictated by the desire to make secure the position of the Queen, this policy must necessarily be one of compromise and moderation, at least until it was safe to disturb the delicate balance of the foreign political situation which made England dependent upon the friendship of Philip and freedom from the active hostility of the other Catholic Powers.

In entire accord with the moderation thus made necessary were the personal tastes and preferences of the Queen. She did not share, she could not understand, the uncompromising zeal of either Catholic or Protestant. If the political considerations demanded a Protestant or anti-papal establishment, she was willing that it should be set up; yet her love for the pomp and forms of a stately religion and her hatred of the extremes and fanaticism of Protestant enthusiasm were real, and she stood ready to establish and maintain the policy of moderation which left room for some of the forms she loved.

[1] *Zurich Letters*, no. xx.
[2] H. N. Birt, *The Elizabethan Religious Settlement* (London, 1907), p. 23.
[3] Raynaldus, *Ann. Ecc.*, Ann. 1559, no. 2.

The middle course could make little appeal to enthusiasm. Zealous Catholics could not be satisfied thus nor could the extreme Protestants be content with halfway measures. "Others are seeking after a golden, or, as it rather seems to me, a leaden mediocrity; and are crying out, that the half is better than the whole." "Whatever is to be, I only wish that our party may not act with too much worldly prudence and policy in the cause of God." [1] But Elizabeth and the men who were in her confidence were not extremists, they were not religious enthusiasts; they represented the national state of mind and were justified in their belief that the Queen could depend upon the nation's support for a reasonable and moderate religious settlement.

On the religious question the nation was, on the whole, indifferent. Nor is it strange that this was true at this time. England had been forced through change after change in the religious establishment, beginning with Henry VIII and ending with the proscriptions of Mary. It had been trained for a quarter of a century to adjust itself to a turn-coat policy in religious matters. As Lloyd quaintly says of Cecil, "He saw the interest of this state changed six times, and died an honest man: the crown put upon four heads, yet he continued a faithful subject: religion changed, as to the public constitution of it, five times, yet he kept the faith." [2] During that period the nation had seen England sink into insignificance in Continental affairs and watched its internal conditions grow from bad to worse. The extremes of Mary's reign and the growing economic distress of the country repelled English thought from purely religious quarrels and absorbed their attention in more practical matters. Just as at the Restoration, following a period of political control by the extremists in religion, there was a period during which re-

[1] Jewel, *Works*, vol. IV, Letters, no. xii, Jewel to Martyr; *Zurich Letters*, no. viii, Jewel to Martyr, Jan. 26, 1559. [2] Nares, *Burghley*, vol. III, p. 326.

ligious enthusiasm languished and the country joyfully proceeded to recuperate from the effects of religious restraints, so now after Mary's persecutions there succeeded a period of that indifference to religion, which, if not a promoter of positive tolerance is a great check on intolerance. The country needed the help of all in adjusting its home affairs and demanded their loyalty to protect their queen and themselves from another Catholic sovereign. Their enthusiasm found vent in these things, not in religious contentions. The policy of subordinating religious considerations to the political safety of the nation enabled the Church of the early part of Elizabeth's reign to survive the attacks from within and without the kingdom; the Church was not itself an object of enthusiastic support, but served as a standard around which Englishmen gathered to defend principles to which they gave their deepest loyalty and purpose, determination and love. Changes which appealed to the loyalty and patriotism of the nation, and which freed it from the wearisome persecutions and distracting turmoil that characterized Mary's reign, were certain of English support.

The policy of moderation, the halfway course, which the religious indifference, the political situation, and the Queen's preferences made the logical plan to secure the allegiance of the kingdom, implied, of course, a departure from Roman Catholicism in the direction of some form of Protestantism. The religious and ecclesiastical history of England under Henry and Edward furnished a precedent for the change which could be made with the least shock to the feelings of Englishmen.

The Church developed in the reigns of Elizabeth's father and brother was of a character which of all the forms of Protestantism departed least in belief, form, and organization from Catholicism. Practically all of Elizabeth's mature subjects had been living in the time of Henry and Edward, and there existed a large party

within the kingdom accustomed to, if not partisans of the Church, as it had developed in Edwardian times. The right wing of this party had in Mary's reign become stronger and its leaders had confirmed their predilections by residence on the Continent, where they had associated closely with the prominent figures of Continental Protestantism. On the Continent sufficient time had elapsed since Luther's attack upon the Papacy to make less dominant the essentially political motives of the revolt from papal control, and Protestantism itself had begun that hardening of dogmatic and ecclesiastical standards which resulted in a more oppressive spirit than had existed in Catholicism itself prior to the Lutheran revolt; but this development had not yet gone so far nor the Protestant parties become so strong that anti-papal principles had sunk into the background of sectarian propaganda. Thus the English who had fled to the Continent during Mary's reign were, with the exception of a few extremists hypnotized by the Calvinistic system, most influenced by their residence in the Protestant centers toward an anti-papal rather than toward a narrow sectarian policy.

These men the government could use in carrying out its plans, though it did not ask their help in making them.[1] Many of the most able and practical were ready to make compromises, either for the sake of introducing a modified reform into the Church in England, or for the sake of securing for themselves the exercise and emoluments of clerical office.[2] Papal Catholics could not compromise. The theory of the Church forbade it, although it is perhaps true that shame for the compromises of the past rather than strict regard for the theory of the Church induced many of them to stand firmly now upon the convictions registered during Mary's reign.[3] "For sake of consistency which the

[1] Jewel, *Works*, vol. IV, Letters, nos. viii, x, xii; *Zurich Letters*, nos. xi, xiv, xv; *Parker Correspondence*, no. xlix.

[2] Jewel, *Works*, vol. II, p. 770; *Zurich Letters*, no. xlix.

[3] Jewel, *Works*, vol. IV, Letters, no. xiv; *Zurich Letters*, no. xxvii; Burnet,

miserable knaves now choose to call their conscience, some few of the bishops, who were furious in the late Marian times, cannot as yet in so short a time, for very shame return to their senses." [1] Lukewarm Catholics, however, Catholics from policy, Catholics whose patriotism exceeded their love for the Church, should not be driven into opposition by extreme measures. With regard to the Protestants the government occupied the strategic position. Any change from Catholicism could be regarded as a concession which, for the present, must perforce satisfy the radicals, and win for the government the great mass of reformers, already prepared to make compromises and to rejoice over gains religious or financial.[2] Necessity, not inclination, may have made the changes in the religious establishment veer toward Protestantism, but the government had little to fear from a national Protestant party and could safely proceed in the direction made inevitable by the attitude of the Pope and by the political situation. The change was so moderately made, however, that Ascham was able to write to Sturmius, "[The Queen has] exercised such moderation, that the papists themselves have no complaint to make of having been severely dealt with." [3]

The government, in depending for the success of a compromise religious policy upon the party of reform and upon the Catholics whose papal traditions were not so strong as their English feelings, was strengthened by the circumstances which made support of its religious policy clearly essential to the safety of the Queen. Loyalty to the sovereign was the greatest practical bond of national union in sixteenth-century England, the first principle of national patriotism. That such a spirit existed and would support the Queen's religious policy was comparatively easy of con-

*History of the Reformation of the Church of England* (Pocock edition, Oxford, 1865), pt. III, bk. VI, no. 51.

[1] Jewel, *Works*, vol. IV, Letters, no. lxi. Cf. *ibid.*, nos. xv, xx, xxi.

[2] *Zurich Letters*, nos. ii, xxvi, xxxiii.

[3] *Ibid.*, no. lxiv.

firmation during a time when the opinions of the great mass of the population were negligible or non-existent. The new nobles and gentry were sufficiently numerous and influential to see to it that their dependents made no serious trouble; their own allegiance was secured by conviction, or by prospects of place and profit.[1]

In England the Queen might depend upon practically the united support of the reforming party and upon many lukewarm Catholics. The greatest dangers within the kingdom came from the older Catholic nobility, displeased at the prominence of the new men as well as devoted to the old Church, and from the clerics who had held high office in Church and State during Mary's reign. The latter, alarmed at the uncertainty of the government's policy, reasonably certain that Papal Catholicism would not be established as the religion of the State, and fearful lest the extreme Protestants ultimately have their way and a system of persecution be inaugurated, formed the party of opposition to governmental plans for an ecclesiastical compromise. Yet for the most part this opposition was passive, and was accompanied by protestations of loyalty to the Crown, and to the Queen.

This party would have been of little importance and helpless in the grip of royal disfavor had not the policy which the foreign complications forced upon the government been one of compromise and reconciliation of all loyal Catholics. In so far as the clerical party was at one with and in a sense dependent upon foreign, that is papal, politics, it was dangerous to the government; but fear of alliance or intrigue with Continental Catholicism had to give way before the more pressing danger that the suppression or harsh treatment of the old leaders of the Church would excite the sympathy, or arouse the antagonism, of men who would otherwise quietly acquiesce in the moderate proposals of the government.

[1] Lee, *The Church under Elizabeth* (2 vols. 1880), vol. 1, p. 70.

## ELIZABETH'S FIRST PARLIAMENT

The details of the slow and cautious plans of the government would here occupy too much space and serve only to confuse the purposes of this essay.[1] They are to be found in the histories of the period. Throughout the time between the accession of Elizabeth and the meeting of her first Parliament the plans for the religious changes were perfected and the country carefully persuaded into an attitude of waiting for the settlement of the religious questions to be embodied in law by that body.[2] In the mean time Cecil and the other leaders arranged for the election to Commons of men who would be amenable to the directions of the Crown,[3] and the committee of the Council, "for the consideration of all things necessary for the Parliament" drafted the measures thought necessary to be passed by that body when it should assemble.[4]

Parliament was opened on January 25, 1559, with the usual ceremony, and Convocation assembled, as was the custom, at the same time. In the Lords the bishops and one abbot took their usual places and were permitted a freedom in voicing their opposition to all the proposed religious changes that would hardly have been granted to lay opponents of governmental policy.[5] Convocation passed articles asserting uncompromising adherence to the Roman Catholic faith.[6] The fairness of the government and its magnanimity were ostentatious; the pleas of the clerics vivid and impassioned, in spite of the fact that they knew their case was

[1] *State Papers, Domestic, Elizabeth*, vol. I, no. 69; vol. IV, no. 40; Strype, *Annals*, vol. I, pt. I, pp. 74–76, App., no. iv; Burnet, pt. II, bk. III, no. I, p. 497; Dodd (Tierney's ed.), vol. II, p. 123, and App., no. 33.

[2] *Zurich Letters*, nos. iii, viii.

[3] For methods of influencing the elections *cf.* Council to Parker and Cobham, *Parker Correspondence*, no. cclxxxvii, Feb. 17, 1570.

[4] Strype, *Annals*, vol. I, pt. I, App., no. iv; Dodd (Tierney's ed.), II, p. 123, and App., no. 33; Dixon, vol. V, p. 22, note.

[5] Strype, *Annals*, vol. I, pt. I, App., nos. vi, vii, ix, x, xi; D'Ewes, *Journals*, Elizabeth's first Parliament.

[6] Wilkins, *Concilia*, vol. IV, p. 179.

hopeless except as the vigor of their protests in Parliament and through the Convocation might serve to modify or soften for Catholics the terms of the settlement. They knew that the government would go as far as it could to avoid trouble and that it was willing to make as light as was consistent with safety the disabilities placed upon the Catholics. Elizabeth had shown this, when at her coronation, ten days before the assembling of Parliament, the Catholic bishops, who had, with the exception of Oglethorpe, refused to officiate,[1] were allowed to escape any outward evidence of her displeasure. In spite of a perverseness which often drove the even-minded Cecil to distraction, Elizabeth sometimes showed, when conditions demanded it, a proper regard for practical politics, even at the expense of her personal feelings.

After Parliament had been in session for some time and after the points of the settlement had been well mulled over in both houses, the government reached the culmination, and at the same time the end, of its previous policy toward Mary's clergy. Arrangements were made for a great disputation, before the members of the Council and the nobility at Westminster, between the representatives of the Catholic and of the reforming parties. Governmental show of fairness in choosing the subjects for the conference and in arranging the method of discussion was perhaps more seeming than real, but the indiscretions of the Catholic divines, before the notable assemblage gathered to listen to the debate, afforded the authorities sufficiently good grounds for placing restraints upon their liberties. The refusal of the Catholics to proceed had, if we may trust Jewel, another effect, doubtless appreciated by the government. Jewel wrote to Martyr immediately after the affair, "It is altogether incredible how much this conduct has lessened the opinion that the people entertained of the bishops; for they

[1] Dixon (vol. v, pp. 47–51) denies this, but does not seem to me to have proved his case.

all begin to suspect that they refused to say anything, only because they had not anything to say." [1]

We have already had occasion to mention the impatience of the Protestants, who had returned from exile or come out of hiding, over their neglected condition and the slowness of the government in making provision for them. Their impatience was aggravated by governmental permission of dilatory tactics by the Catholic bishops. "It is idly and scurrilously said, by way of joke, that as heretofore Christ was *cast out* by his enemies, so he is now *kept out* by his friends." "We manage . . . as if God himself could scarce retain his authority without our ordinances and precautions." [2] Since most of them were not admitted to the counsels and purposes of the government in its treatment of Catholics, nor capable of understanding the need for caution and moderation, they were greatly discouraged over their prospects. The moderate men of the reforming party, however, who, like Cox,[3] and Parker, were least fanatical, were used by the leaders at court and given assurances of favor, conditional upon coöperation in establishing a church such as the government had in mind. Protestants preached at court and were given employment upon the details of arrangement for the changes contemplated, such as the revision of Edward's Prayer Book and the compilation of the Book of Homilies. With the progress of the work of Parliament the Protestants had less cause for complaint and were allowed greater expression of opinion so long as they did not exceed the limits of discussion set by government policy. Forced, as the court was, to depend for support of its anti-papal policy upon the reformers, it placed confidence only in those who were in sympathy with its de-

[1] Jewel, *Works*, vol. IV, Letters, no. ix (*Zurich Letters*, no. xii; Burnet, pt. III, bk. VI, no. 49, p. 407). *Cf.* also *ibid.*, no. viii; *Zurich Letters*, nos. xi, xix; Burnet, pt. III, bk. VI, no. 47, p. 402; *S. P., Dom., Eliz.*, vol. III, no. 52; Strype, *Annals*, vol. I, pt. I, App., nos. xv, xvi.

[2] *Zurich Letters*, no. xiii. *Cf.* also *ibid.*, nos. xi, xiv, xvii, xix, xlii.

[3] Hall, *Elizabethan Age*, chap. VIII, "The Churchman," pp. 103–18.

sire to make no radical changes, and to conduct all things in order and decency, with proper regard to the secular interests of all concerned.

The carefully packed Parliament was significantly enough characterized by the predominance of younger men who had not had previous experience as members of the Commons. They were for the most part of Protestant sympathies, but sufficiently in awe of court influence to submit to the management of Cecil and the Crown. We find in this Parliament little of that tendency to take the bit in its teeth and direct its own course which later in the reign gave such opportunity for the exercise of royal authority in restraint of Parliamentary action. No serious obstacles presented themselves in the Commons to the passage of the religious acts determined upon by the government; but nothing was done in haste, and the willingness of the Commons was restrained by the greater experience of the Lords. Perhaps, too, the government was willing to allow more or less radical talk in the Commons to counteract the effects of Catholic protests in the Upper House. The history of the passage of the acts through Parliament is somewhat tiresome, and significant only as confirming the care and supervision of the court leaders. It will be sufficient here to name and summarize briefly the provisions of the acts as they finally received the signature of the Queen.

The most important of these were the Acts of Supremacy [1] and Uniformity.[2] The Act of Supremacy repealed 1 and 2 Philip and Mary, c. 8, which had revived papal jurisdiction, and the statutes concerning heresy made in that reign. Ten statutes of Henry VIII and one of Edward were revived. It dropped the title "Supreme Head of the Church," [3] although it retained the substance and pro-

[1] *Statutes of the Realm*, 1 Eliz., c. 1. [2] *Ibid.*, c. 2.

[3] D'Ewes, *Journals*, p. 38; Stubbs, in *App. Ecc. Courts, Com. Report, Sessional Papers, 1883*, vol. XXIV, p. 44: "the effect of omitting the revival of 26 H. VIII, c. 1, 28 H. VIII, c. 10, 35 H. VIII, c. 3, and 35 H. VIII, c. 1, sec. 7, was the abolition of the royal claim to the title of supreme head as affirmed by Act of Parliament."

vided for the exercise of a supreme royal authority by means of ecclesiastical commissions practically unlimited by law as to composition, number, and duration. The old jurisdiction of the ecclesiastical courts was, however, retained. The Act of Uniformity imposed an ambiguous Prayer Book, designed to permit men of all faiths to take part in the services. Of laymen no declaration of faith was demanded; outward conformity, signified by attendance upon the service, was all that was asked; and a fine of twelve pence imposed for absence from the new services was intended to secure attendance. Office-holders,[1] both lay and clerical, were required to take an oath acknowledging the Queen's supremacy and renouncing all allegiance and obedience to any foreign power, upon pain of loss of, and disqualification for office. Clerics who took the oath, but refused to use the service and comply with the terms of the act, were subject to increasing penalties culminating in deposition and life imprisonment.

Besides the two great measures of establishment, which virtually placed the Queen at the head of the English Church, Parliament annexed the first fruits and tenths to the Crown; declared Elizabeth lawful heir to the Crown,[2] without, however, affirming in so many words the validity of Anne's marriage to Henry; annexed to the Crown the religious houses which Mary had founded; and gave the Queen power, with the ecclesiastical commissioners, to take further order for the regulation of the cathedral and collegiate churches.[3]

### INAUGURATION OF THE ESTABLISHMENT

After the completion of the work of Elizabeth's first Parliament and its dissolution, the government had yet to put the system devised into operation. Naturally the first

[1] *Cf.* however, *Span. Cal., 1558–67*, vol. 1, no. 36, p. 76; *Parker Corresp.*, no. lxxi.

[2] *Statutes of the Realm*, 1 Eliz., c. 5. [3] *Ibid.*, c. 22.

step toward the inauguration of the establishment was the removal of the obstructionist bishops. This the Act of Uniformity had made legally possible in the paragraphs which provided that from the clerics an oath acknowledging the Queen's supremacy might be demanded by such persons as were authorized by the Queen to receive it. The Council, by virtue of commission dated May 23, offered the oath to the Roman bishops, and, upon their refusal to take it, deposed, during the course of the summer, all except Landaff, who took the oath and was allowed to retain his bishopric.

The removal of the lesser Catholic clergy throughout the kingdom was accomplished by means of Commissions of Royal Visitation formed during the summer months. England was divided into six circuits and commissioners, mostly laymen, appointed to make the rounds,[1] administer the oath to the clergy, and inquire into certain articles of which the most interesting are those concerning the late persecutions.[2] The visitors carried with them also a set of royal injunctions for the guidance of the Church. These were copied after the injunctions of Edward VI, with an explanation added at the end setting forth the fact that the Queen did not claim spiritual functions and a denial that the government attached to the taking of the oath the acknowledgment of any such belief.[3] Because of the extent of the territory to be covered by these commissions and because of their limited powers, the results of this visitation are hard to estimate. Anglican and Catholic writers, after careful study of all available statistical information, differ widely in their conclusions as to the number of the clergy

[1] *S. P., Dom., Eliz.*, vol. x, no. 1; vol. vi, no. 12; Henry Gee, *Elizabethan Clergy* (Oxford, 1898), pp. 89–93, 133–36; Cardwell, *Documentary Annals*, vol. i, 249; Burnet, pt. ii, bk. iii, no. 7, p. 533.

[2] Articles printed in Gee, *Elizabethan Clergy*, pp. 65–70; Sparrow, *Collections*.

[3] Prothero, *Select Statutes*, p. 184; Sparrow, *Collections*, p. 65; *S. P., Dom., Eliz.*, vol. xv, no. 27; Burnet, pt. ii, bk. iii, p. 631; Collier, ii, 433; Strype, *Annals*, vol. i, pt. i, p. 197; Jewel, *Works*, vol. iv, "Defence of the Apology," pp. 958–1039; Whitgift, *Works* (Parker Society), vol. i, p. 22.

who were deposed.[1] The point is not essential. We know enough to be certain that, while not thorough in its work, the visitation accomplished practically all that the government hoped for or desired; the system was inaugurated and its most fanatical enemies removed from the exercise of their offices. The perfection of the system, and the sifting out of enemies whom the visitation had missed and the government desired to find, might safely be left to other more permanent agencies of supervision.

The examination of the certificates of the royal visitors and the completion of their work [2] were assigned by commission, dated September 13, to the central commission for the exercise of royal supremacy contemplated by the Act of Supremacy. This central or permanent body had already been created and given extensive powers by commission issued on July 19, although it probably did not meet until the practical completion of the work of the royal visitors, as many of its members were also visitors. Besides the business resulting from the work of the Royal Visitation, the central commission had committed to its care the supervision of the working of the Acts of Supremacy and Uniformity throughout the kingdom, repression of seditious books, heretical opinions, false rumors, slanderous words, disturbances of, and absence from, the established services, and was further given jurisdiction over all vagabonds of London and the vicinity.[3]

The removal of the Catholic bishops, the work of the Royal Visitation, and the creation of a central commission were in large part merely repressive measures, providing for proper policing of the country. It was essential to the working of the system that the episcopal offices, made vacant by the forced retirement of the Roman Catholic bishops, be

[1] Gee, *Elizabethan Clergy* (Oxford, 1898); H. N. Birt, *Elizabethan Religious Settlement* (London, 1907).

[2] *S. P., Dom., Eliz.*, vol. VII, no. 79; Gee, *Elizabethan Clergy*, p. 141; Birt, *Elizabethan Religious Settlement*, p. 183, no. 2. *Cf. Parker Corresp.*, no. lxxx.

[3] *S. P., Dom., Eliz.*, vol. V, no. 18; Prothero, *Select Statutes*, pp. 227–32; Cardwell, *Documentary Annals*, vol. I, p. 223.

filled. There was no lack of candidates for the positions. Protestants who from conviction regarded the abolition of the papal supremacy as the essential element for the National Church; Protestants who hoped for further reform, but were willing to take honorable office in the Church for the sake of excluding persons less Protestant than themselves, and for the sake of working from the inside for more radical changes; Protestants whose convictions were swayed by the knowledge that high offices in the Church were not likely to be awarded to radicals — all more or less modestly waited for preferment. And men from all of these classes obtained what they waited for, some in positions less high than they had hoped, but better than exile or obscurity. The disagreeable bickerings of the newly chosen clergy with the Queen over the exchange of parsonages impropriate for bishops' lands, which delayed their installation and consecration for some time, was not entirely due to greed on the part of the bishops. "The bishops are as yet only marked out, and their estates are in the mean time gloriously swelling the exchequer,"[1] Jewel wrote to Martyr in November, 1559. Many felt, with Jewel, more concern over the impoverishment of the Church by the Queen's excessive demands than for their own loss of worldly goods. Their greed at this time has probably been considerably magnified because of the avarice of such men as Aylmer, one of the least admirable of the Elizabethan bishops. His conduct was the opposite of that which he had demanded before he became a bishop. Then he had cried, "Come of you Bishoppes, away with your superfluities, yeld up your thousands, be content with hundreds as they be in other reformed Churches, where be as greate learned men as you are. Let your portion be priestlike and not princelike."[2] As a bishop his greed became a common

[1] *Zurich Letters*, no. xxxv. *Cf. Parker Corresp.*, nos. lxviii, lxix; *S. P., Dom., Eliz.*, vol. VIII, no. 19.

[2] Maitland, *Essays on Subjects connected with the Reformation*, p. 166; Strype, *Annals*, vol. II, pt. I, App., no. xxxi; Strype, *Aylmer, passim.*

scandal. But Parker, Jewel, Grindal, Parkhurst, and many of the others were men of relatively high character, although better fitted perhaps for scholastic affairs than for the complexities of practical ecclesiastical administration. None of them had ability or training in ecclesiastical administration comparable to that of Cecil in secular administration. Yet they were earnest and sincere men fitted to give intelligent, if not brilliant, service in the establishment of the Church.

The selection of the lesser clergy to fill the places made vacant by the work of the Royal Visitation presented a much more difficult problem. Secular influence in the selection of these men was exerted by local magnates and nobles with more concern for selfish advantage than for the welfare either of Church or of State, and Parker wrote to Lady Bacon: —

> I was informed the best of the country, not under the degree of knights, were infected with this sore, so far that some one knight had four or five, some other seven or eight benefices clouted together, fleecing them all, defrauding the crown's subjects of their duty of prayers, somewhere setting boys and their servingmen to bear the names of such living.[1]

The Queen herself did not realize the need for competent preachers and pastors; the higher clergy were in too many cases, even where competent men were available, careless about securing their services, or as greedy as the laity to secure cheap ones. Clerical service gave no dignified or honored position in the community, and the financial rewards were not enticing to men of ability. The tone and character of the lesser clergy reached perhaps its lowest ebb during the first years of Elizabeth's reign.[2]

In spite of the setting in motion of the machinery provided by the religious acts, the Roman Catholics were not entirely disheartened. There were elements in the situation

[1] *Parker Corresp.*, no. ccxxxix.

[2] *Cf.* chap. v, p. 131.

which justified them in thinking that their case was not hopeless. Although they had apparently lost power, the obvious conciliatory policy of the government gave them practical assurance that they were in little real present danger and led them to hope that a chance for rehabilitation might present itself. That the organization and the services of the establishment were not radically changed by the new order was a subject for congratulation among Catholics. Parsons, the Jesuit, at a later date rejoices "that the sweet and high Providence of Almighty God hath not been small in conserving and holding together a good portion of the material part of the old *English* Catholick Church, above all other Nations, that have been over-run with Heresie, for that we have yet on foot many principal Monuments that are destroyed, in other countries, as namely we have our Cathedral Churches and Bishopricks yet standing, our Deanries, Canonries, Archdeaconries, and other Benefices not destroyed, our Colledges and Universities whole, so that there wanteth nothing, but a new form to give them Life and Spirit by putting good and vertuous Men into them. . . ." [1]

The work of the Royal Commissioners of Visitation had varied with the character of the visitors and the sentiments of the districts visited, and the institution of the new system was by no means thorough. Catholic clergy were left, in some sections at least, in charge of their old parishes. ". . . The prebendaries in the cathedrals, and the parish priests in the other churches, retaining the outward habits and inward feeling of popery, so fascinate the ears and eyes of the multitude that they are unable to believe but that either the popish doctrine is still retained, or at least that it will be shortly restored." [2] The most dangerous and rabid of the papal adherents had been removed, but the impression was given that this was all the government wished to

[1] Parsons, *Memorial of the Reformation of England*, printed in part in Taunton, *English Jesuits*, App., p. 478.

[2] *Zurich Letters*, no. liii, Lever to Bullinger, July 10, 1560.

accomplish. Finally, there was much in the foreign political situation to give Catholics hope, and cause concern to Elizabeth and her advisers.

### ELIZABETH'S SECOND PARLIAMENT

Foreign events during the first four or five years of Elizabeth's reign served to emphasize the need for the loyalty of Englishmen and for the maintenance of governmental control over the religious question.[1] When Parliament met for the second time, January 12, 1563, Philip had given up his hope of regaining England for Catholicism by matrimonial alliance. Elizabeth had refused to send representatives to the Council of Trent, and the labors of that body had ended without accomplishing anything which tended toward reconciliation. In 1562 the Pope, Pius IV, issued a brief forbidding Catholics to attend the English services on pain of being declared schismatic, and thus, in some measure, English Catholics had been compelled to withdraw the assent to the new arrangement which the moderate policy of the government had won from them. Mary was back in Scotland, forced to make concessions to the Protestants to maintain her throne, but craftily intriguing to gain freedom. She schemed and waited in the hope that a turn of the wheel might seat her on the English throne and give her the means to suppress the hated preachers. Her hopes were dependent upon her uncles the Guises, and events in France in 1562 seemed to indicate that the time she awaited had come. The year opened with the issue by Catharine of an edict of toleration. Guise replied with the massacre of a Protestant congregation at Vassy. He entered Paris and seized the queen mother and the king. The Huguenot leaders took the field and France was divided into two hostile and destructive religious camps. Philip sent forces to Gascony to aid the Guises. The Pope and the Duke of Savoy hired Italians

[1] D'Ewes, *Journals*, Cecil's speech in the second Parliament. *Cf. Zurich Letters*, nos. lxix, lxxii, lxxiii.

and Piedmontese to attack the Huguenots from the southwest. German mercenaries were added to the Catholic forces in the north. The Huguenots seemed enclosed in the net of their foes. Mary negotiated a marriage with the son of Philip, strengthened her connections with the Continental Catholics, and plotted the overthrow of Elizabeth and the restoration of both Scotland and England to the jurisdiction of the Papal See. Success for the Catholics on the Continent seemed to mean success for Mary in Scotland, perhaps in England also. Then came the battle of Dreux and the virtual defeat of the combined Huguenot forces.

That the English Parliament in this situation should strengthen the kingdom's defenses against its religious and political enemies was inevitable; that it proceeded along the lines of the weaknesses found in the system established is evidence of conservatism and moderation not to be expected from a radical Protestant body.

There is no question that the system had been proved ineffective in some points by the experience of the past five years. In the first place, under the arrangements made by the Act of Supremacy for administering the oath, many, both clerics and laity, who were in positions to hinder the secure establishment of the system, had been able to escape, either because the means for administering the oath were ineffective, or because they were not included in the classes specified as required to take it. Thus we find disorders both among the clerics and laity, particularly in the north where the great centers of Catholic dissent were situated, and where the need for a united front was especially great from a military standpoint. Compared with the extent of the country, the means of administering the oath to the clergy were few, and where such means should have been sufficient they were often hindered by the opposition or indifference of secular officials whose sympathies were with their Catholic neighbors. The ecclesiastics were often forced to make such complaints as Parker's to Cecil: —

I am here stoutly faced out by that vain official who was declared to have slandered Mr. Morris and some justices of the peace, and purpose to examine the foul slander of Morris according to the request of your letters. The official seemeth to discredit my office, for that I am but one of the commission, and have none other assistants here; and therefore it would do good service if the commission I sued for to be renewed were granted. There be stout words muttered for actions of the case, and for dangerous premunires, and specially tossed by his friends, papists only, where the better subjects do universally cry out his abuses. If I had some advice from you I should do the better.[1]

Complaints of such hindrance were constantly sent to the Council, because the bishops and other ecclesiastics were without the power necessary to enforce their orders. Since the real sting of excommunication lay, for the Catholics, not in exclusion from the Church, but in the temporal penalties attached to that condition, failure to impose these penalties took from the hands of the Church the force of its most powerful weapon. Here, then, are at least two important defects of the system created by the acts of 1559: the right to administer the oath of supremacy and the obligation to take it did not extend far enough to cover all dangers, and the ecclesiastical censure of excommunication could not be rightly enforced because minor officials, particularly the sheriffs and justices of the peace, failed to do their duty and there was no generally applicable means of forcing them to do so. These are obviously defects that needed correction, and we find that Parliament's two most important acts, the Act for the Assurance of the Queen's Supremacy and the Act for the Better Enforcement of the *Writ de Excommunicato Capiendo*, deal with these very things.

The Act for the Assurance of the Queen's Supremacy [2] had for its purpose the most effective administration of the previous legislation concerning the royal supremacy and the

[1] *Parker Corresp.*, no. cclxxix; *cf.* Grindal, *Remains*, Letters, no. lxxii; *S. P., Dom., Eliz.*, vol. CCLXX, no. 99; vol. CCLXXIV, no. 25.

[2] *Statutes of the Realm*, 5 Eliz., c. 1; *cf.* speeches against the bill by Browne, Lord Montague, and Atkinson, Strype, *Annals*, vol. I, chap. XXVI.

extension of such legislation to persons not previously reached by its requirements, particularly the provision which compelled the taking of the oath of supremacy. The punishment for maintenance of the papal power in England was increased, and the enforcement of the law was, for the first time, brought under the control of a powerful and efficient secular court, King's Bench. The minor officials to whom the administration of the laws against Catholics had been in great part entrusted, were made directly responsible to it for the performance of their duty. The loopholes left by the Act of Supremacy for escape from taking the oath of supremacy were closed and the application of the requirement was greatly extended. To those classes of persons formerly required to take it, were added the members of Commons, all lay and clerical graduates of the universities, schoolmasters, public and private teachers, barristers, lawyers, sheriffs, and all "persons whatsoever who have or shall be admitted to any ministry or office belonging to the common law or any other law within the realm." The agents for administering the oath were increased in number. Every archbishop and bishop was given power to administer the oath to all ecclesiastics within his diocese, and the Lord Chancellor or Lord Keeper of the Great Seal was authorized to issue commissions to any persons he saw fit, to administer the oath to such persons as were specified in the commission. Refusal to take the oath was punished by more severe penalties.[1]

In the Act for the due Execution of the *Writ de Excommunicato Capiendo*[2] the ecclesiastical censure of excommunication was made stronger. It had long been the custom for the bishop, upon excommunicating an offender, to write to the Court of Chancery for a *writ de Excommunicato Capiendo*,

[1] *Parker Corresp.*, nos. cxxvii and cxxviii. Parker, with the approval of Cecil, took measures to see that these penalties were not too severely enforced. *Cf.* Strype, *Parker*, 126.

[2] *Statutes of the Realm*, 5 Eliz., c. 23. History of the act in Strype, *Annals*, vol. I, pt. I, p. 460.

or *capias*. Chancery issued the writ to the sheriff for execution, and that officer was supposed upon its receipt to arrest and imprison the person excommunicated. Under the new establishment, however, the sheriff was often in sympathy with such offenders and failed to do his duty,[1] and there was, in cases of such failure, no way, by means of the ordinary processes of law, to force him to perform his duty because the writ was not returnable to any court. The new act, probably drawn up by Parker and Grindal,[2] provided, by means of fines imposed upon the minor officials for failure to do their duty, that the authority of the spiritual censure be effectively enforced and that the personal leanings of the sheriffs should not prevent the execution of the penalties involved in excommunication. Incidentally the act specifies the offenses that incur the penalty of Excommunication:

> Excommunicatyon dothe proceede upon some cause or contempte of some originall matter of Heresie or refusing to have his or their childe baptysed or to receave the Holy Communion as yt commonlye is now used to be recyved in the churche of Englande, or to come to Dyvine service nowe commonlye used in the said churche of Englande, or errour in matters of religion or doctryne now receyved and alowed in the sayd churche of Englande, incontenencye, usurye, symonye, periurye, in the ecclesiastical court or Idolatrye.

Parliament did not confine its work for the security of the Queen and the realm to the enactment of these two acts. The repression of that class of persons who pretended to forecast events, or to exercise magical powers, was looked to in two special acts which imposed penalties upon witches and enchanters. Such persons were regarded as dangerous because of their associations with the old religion.[3] The acts were framed because the people were misled by seditious persons dissatisfied with the religious establishment, who

[1] Gee, *Elizabethan Clergy*, p. 19. [2] Strype, *Annals*, vol. I, pt. I, p. 460.
[3] *Statutes of the Realm*, 5 Eliz., c. 15; Strype, *Annals*, vol. I, pt. I, pp. 441, 465–66; *Statutes of the Realm*, 5 Eliz., c. 16.

used prophecy and divination as excuses or incentives for bringing about the Queen's death. The belief in magic, possession, witchcraft, and similar supernatural manifestations of power was shared by all classes and by all types of religious faith. This somewhat curious persistence in Christianity of an essentially dual conception of the universe and supernatural forces has extended even to the present time, and though the importance which all men of that time attached to such claims seems absurd to-day, the fear was real and the danger imagined particularly hard to meet.

### THE SUCCESS OF GOVERNMENT POLICY

In the establishment thus created by the first Parliament and strengthened by the second, there was little to alarm the great mass of the people. There was no change made that on the surface could not be justified by some act of the past, although, as is usual, Englishman's precedent applied to a new situation might involve consequences utterly foreign to the substance of past conceptions. The old machinery remained; the two provinces, the bishoprics, and in great part the same clergy still conducted the services. The services were not so different as to shock religious sense, or to arouse the opposition of the people, although isolated cases of Protestant violence and Catholic stubbornness might occur. For a long time the Queen retained, much to the distress of her clergy, elements of the old worship in her private chapel.[1] The supremacy of the Queen was maintained, but the title of "Supreme Head of the Church," so offensive to Catholics, was not assumed, and the national headship over all estates of the realm found support in the patriotic sentiments of all Protestants and a great number of Catholics. In the enforcement of the supremacy no extraordinary judicial bodies with which the people were unfamiliar were created. The Queen's commissions

[1] *Parker Corresp.*, nos. lxvi, lxvii, lxxii; *Zurich Letters*, nos. xxv, xl, xxxix, xliv, xlviii, xliii.

were similar to those of Edward and Mary, and the regular and ecclesiastical courts exercised jurisdiction in establishing and maintaining the supremacy and ecclesiastical order in much the same way that they had in the past. The purposes of the government had been to construct a Church which would enable Elizabeth to retain her throne, which would reconcile Catholics and Protestants, and which might serve as a police force over the outlying districts of the kingdom. The Church as established served as a protection against Catholic dangers and in a minor degree insured the avoidance of Protestant excesses.[1] As a governmental tool it accomplished its objects with as little friction and injustice as could be expected. In the hands of Elizabeth and her government it came as near satisfying all parties as any system that could have been devised.

The years from 1563 to the end of Elizabeth's reign brought no essential changes in the structure of the Church. Details were adjusted and relationships changed somewhat as new problems arose and as the Church itself developed an independent ecclesiastical consciousness, but essentially the structure given the Church in the first years of Elizabeth remained unchanged. Of the adjustments and changed relationships, so far as they concern the growth of an independent Anglican Church, and the development of various phases of Protestant dissent, we shall speak in succeeding chapters. They are phases of English religious and ecclesiastical history which may be best treated after we have reviewed the course of those events which, to the minds of all Protestant elements in the kingdom, most closely concerned the religious as well as the political integrity of England.

[1] *S. P., Dom., Eliz.*, vol. VI, no. 22; vol. XIII, no. 32; Strype, *Annals*, vol. I, pt. I, p. 279; Collier, *Ecc. Hist.*, vol. VI, p. 332.

## CHAPTER III

## THE GOVERNMENT AND THE CATHOLICS

THE Catholic danger was, during the whole reign of Elizabeth, the one most prominent in English religious politics, yet the lenient policy in the handling of her Catholic subjects, inaugurated at the beginning, was maintained by Elizabeth and her government. Repression of disorder and restraint of individuals whose activity might be politically dangerous were in general the only purpose of that policy. Nevertheless, we find considerable diversity in the thoroughness with which such restraint and repression were exercised, and a growing severity in the laws enacted for dealing with Catholic recusants. At times of great national danger or of increased Catholic activity, laws were put in execution with greater vigor and greater legal safeguards were erected. A history of the reign in detail is unnecessary here, but a résumé of the chief events and situations in connection with the Catholic problem will make clear the grounds for political fear of Catholic disturbance and the incentives afforded for new legislation; and a description of this legislation will, in conjunction with other sources of information, afford a basis for an analysis of the character and purposes of governmental repression of Catholics.

### THE REBELLION OF THE NORTHERN EARLS

From 1563 until 1570 there is little of striking interest or importance to detain us. They were years of anxiety, it is true, years during which the kingdom was least prepared to meet the Catholic disorders within and attack from Catholic powers outside the kingdom, yet the wisdom of the governmental policy of waiting, and the confusion of Continental politics enabled the State to weather the minor dis-

turbances caused by the revolt of the nobles in the north and the tempests of the vestiarian controversy. We are for the present concerned only with the former.

The rebellion of Northumberland and Westmoreland in 1569 was not based exclusively upon dislike of the religious changes made by Elizabeth and a consequent advocacy of the claims of Mary Stuart, but was in part at least founded upon the disgruntled feeling of the old nobility displaced by "new men." The earls, a remnant of the feudal nobility, with many of the views and ideals of family position which belonged to an earlier time, were jealous of the power wielded by Cecil, Bacon, Walsingham, and the new families. In their proclamation the rebels charged that the Queen was surrounded "by divers newe set-upp nobles, who not onlie go aboute to overthrow and put downe the ancient nobilitie of the realme, but also have misused the queen's majestie's owne personne, and also have by the space of twelve yeares nowe past set upp and mayntayned a newfound religion and heresie contrary to God's word." [1] In one sense, the revolt of 1569 was a struggle between the old and the new aristocracy, and it is easily conceivable that some such strife would have arisen had a political situation other than the religious one made the monarchy as dependent upon the employment and preference of the new men as was Elizabeth in the situation which had been forced upon her.

The revolt was easily quelled, and punished with a cruelty in excess of the dangers that might justly have been feared from such a poorly planned attempt upon the throne of Elizabeth. The revolt of the north proved that internal Catholic discontent could not serve as the primary force for the overthrow of existing conditions, although it might, under certain circumstances, form a powerful auxiliary to foreign invasion should the international political situation unite the enemies of Elizabeth against England. The fact

[1] Lingard, *Hist. Eng.*, vol. v, p. 113. *Cf.* Bull of Excommunication, par. 2; Jewel, *Works*, vol. iv, pp. 1130–31.

that the parties of opposition were essentially foreign, papal, Scotch, Spanish, won for Elizabeth the support of all who resented outside interference in English affairs, and brought her triumphantly through the succession of crises that confronted the kingdom.

### THE EXCOMMUNICATION OF ELIZABETH

In February, 1570, the carefully laid and remarkably successful plans of the government to secure by a broad and inclusive policy the adherence of Catholics to the establishment were rudely disturbed. The question now became whether the government's lenient policy during the years preceding would bear good or evil fruit. Four years before, Pius V, hot-tempered and pious in fact as well as name, had come to the papal throne. In 1570 he issued a Bull of Excommunication against Elizabeth.[1] What its consequences might be it was hard to estimate. Catholics were compelled to choose definitely whether they should withdraw from the Elizabethan establishment that assent which the leniency of the government had made possible, or remain true to their loyal feelings and incur the censures of Mother Church. Would the leniency of governmental religious policy bear fruit in continued adherence of loyal Catholics at so great cost? Or would they yield obedience to the Pope at the sacrifice of personal comfort and safety, loyalty and home? The Pope demanded the sacrifice of English loyalty to ecclesiastical and religious zeal. Many hesitated, and Elizabeth issued a masterly proclamation in which she disclaimed a desire to sacrifice religious feeling to patriotic feeling:—

> Her majesty would have all her loving subjects to understand, that, as long as they shall openly continue in the observation of her laws, and shall not wilfully and manifestly break them by their open actions, her majesty's means is not to have any of them molested by any inquisition or examination of their con-

[1] Wilkins, *Concilia*, vol. IV, p. 260; Cardwell, *Doc. Annals*, vol. I, pp. 328–31; Burnet, pt. II, bk. III, no. 13, p. 579.

sciences in causes of religion; but to accept and entreat them as her good and obedient subjects. She meaneth not to enter into the inquisition of any men's consciences as long as they shall observe her laws in their open deeds.[1]

The Bull was not popular with the reasonable English Catholics, nor with the European princes.[2] From this time forth, until the final settlement of the danger to England from foreign aggression, all parties in England felt that however much they differed, there was need for a common front against the enemy. In a sense it aroused the Protestants of England to a united loyalty to the Crown which had not been possible before, not even ten years before at the reorganization of the Church. The only point of disagreement was as to the severity of the measures that should be taken in retaliation upon the Catholics who submitted to the commands of the Bull.

The publication of the Bull of Excommunication was the occasion for the most striking proclamation of governmental determination to adhere to its fundamental policy of abstaining from active interference with Catholics whose religious beliefs did not involve them in political plots; but the revolt of the northern earls and the dangers attendant upon the imprisonment of Mary Stuart, in conjunction with the publication of the Bull, led the political leaders to favor the passage of more restrictive legislation by the Parliament of 1571. That element in Parliament which wished for a more radically Protestant reformation of the Anglican Establishment was more bitterly anti-Catholic than the government, and heartily lent itself to the framing of severe laws against the Catholics. An act, "whereby certayne offences bee made treason," [3] attempted to counteract the effects of the Bull by making treasonable the declaration in any way that the Queen was not, or ought not to be, queen

[1] *S. P., Dom., Eliz.*, vol. LXXI, nos. 16 and 34.

[2] *Span. Cal.*, p. 254, Philip to Gueraude Spes; *For. Cal.*, p. 291, Norris to Eliz.; *ibid.*, p. 339; Raynaldus, p. 177 (1571).

[3] *Statutes of the Realm*, 13 Eliz., c. 1.

and the declaration that Elizabeth was a heretic, schismatic, or usurper. By disbarring from the succession any who claimed a greater right to the throne, and making the maintenance of such claims treason, the act struck at Mary of Scotland and her Catholic supporters. Not content with this, severe penalties were attached to the publication of books which, before any act of Parliament was made establishing the succession, maintained the right of any particular person to the succession. Another act made treasonable the introduction and putting into execution of Bulls or other instruments from the See of Rome, and subjected the importers of articles blessed by the Pope to the penalties of Provisors and Premunire.[1] Catholics who had fled to the Continent were, by still another act, commanded to return home within six months upon pain of forfeiture of their lands during life.[2] These measures made clear the resolution of the nation to protect itself and its queen. But Cecil wrote, ". . . there shall be no colour or occasion to shed the blood of any of her Majesty's subjects that shall only profess devotion in their religion without bending their labours maliciously to disturb the common quiet of the realm, and therewith to cause sedition and rebellion to occupy the place of peace against it."[3] Since the severity of the enforcement of the laws rested almost entirely upon the Queen and her councillors, Catholics had little to fear as long as they kept their skirts clear of political intrigue.

## LAWS AGAINST CATHOLICS FROM 1580 TO 1587

The Parliament which reassembled in 1580–81 had to meet a situation more complicated and alarming even than that following the publication of the Bull of Excommunication. The seminary at Douay, founded in 1568 by William Allen to train Catholic priests to fill the vacancies in the English priesthood caused by the death or withdrawal of the

[1] *Statutes of the Realm*, 13 Eliz., c. 2. [2] *Ibid.*, c. 3.
[3] *Dom. Cal., Eliz.*, p. 391.

Marian clergy, had prospered, and in 1576 began to send its missionaries into the kingdom. The effect of their presence was made evident by increased activity on the part of the Catholic laity and more general refusal to attend the established services. In 1580 the first of the Jesuit missionaries, Campion and Parsons, landed in England and passed from one end of the country to the other.[1] Latent enthusiasm for the old faith was roused by the earnest preaching of Campion, while Parsons sowed the seeds of political discontent and gathered together the loose ends of Catholic plot and intrigue. In the Netherlands Don John of Austria had planned a descent upon England by sea, and so pressing was the danger that in 1577 Elizabeth made an alliance with the Netherlands and sent men and money to the assistance of the burghers. In 1578 Philip's forces defeated the Dutch at Gemblours, and the next year the Pacification of Ghent was broken by the defection of the Catholic southern provinces. In Ireland papal soldiers, headed by the Jesuit Sander, landed in 1580 and aroused the Irish to rebellion, and at the same time William Gilbert was sent to England to organize the Catholics for coöperation with the Spanish forces of Philip. Walsingham and his spies were active and successful in ferreting out and punishing recusants, yet the dangers in the situation and the panic fear of Englishmen demanded that some more severe weapon than any yet in existence be created for use against the Catholics.[2]

The Parliament of 1581 enacted in the statute "to retaine the Queenes Majesties Subjects in their due Obedience" that all "persons whatsoever which . . . shall by any wayes or means . . . withdraw any of the Queenes Maties subjects from their . . . obedience to her Majestie or . . . withdraw them . . . from the relygion nowe by her Highnes aucthoritie established . . . to the Romyshe Religion . . . shalbe ad-

[1] *S. P., Dom., Eliz.*, vol. CXXXVII, no. 28; vol. CXLIV, no. 65; Strype, *Annals*, vol. III, App., no. vi.

[2] *Span. Cal., Eliz.*, vol. III, nos. 31 and 119; *S. P., Dom., Eliz.*, vol. CXLII, no. 33; vol. CXXXVI, no. 41; vol. CXXXIII, no. 46.

judged to be Traitors." [1] Any person thus withdrawn was also declared guilty of high treason. The saying of mass was punished by a fine of two hundred marks; and persons not going to church, as required by law, were to forfeit to the Queen for every month twenty pounds of lawful English money, and after one year of absence to give bond of at least two hundred pounds for good behavior. An act against seditious words and rumors uttered against the Queen provided the penalties of fine for the first, and death for the second offense.[2]

From 1582 until 1585 the situation increased in difficulties for England, but came to no crisis. Spanish resentment at the exploits of the English freebooters on the seas and over the secret aid and open sympathy of the English for the Netherlands grew in bitterness. Mendoza plotted with Mary and was dismissed from England.[3] Philip's fear of French interference disappeared upon the death of Alençon and the outbreak of the war of religion between Henry of Navarre and the Catholics. The assassination of William of Orange freed Spain from its most able single opponent in the Netherlands and raised a panic of fear for the life of their queen in England. Parliament in 1584–85 passed an act banishing Jesuits from the realm,[4] and sanctioned the associations formed for the defense of the Queen.[5]

Antwerp fell, and in January, 1586, Elizabeth openly broke with Spain and sent an armed force to the aid of the Dutch. James of Scotland was induced, by his desire for recognition as the next in succession, to form an offensive and defensive alliance with Elizabeth. The Parliament of 1586–87 made effective the law of 1581 levying a fine of twenty

[1] *Statutes of the Realm*, 23 Eliz., c. 1; *Span. Cal., Eliz.*, vol. III, no. 57; *S. P., Dom., Eliz.*, vol. CXXVII, no. 6; vol. CXXXVI, no. 15; D'Ewes, *Journals*, pp. 272, 274, 285–88, 293, 302.

[2] *Statutes of the Realm*, 23 Eliz., c. 2.

[3] Strype, *Annals*, vol. III, App., no. xxvi.

[4] *Statutes of the Realm*, 27 Eliz., c. 2; *S. P., Dom., Eliz.*, vol. CCXVI, no. 22.

[5] *Statutes of the Realm*, 27 Eliz., c. 1; *S. P., Dom., Eliz.*, vol. II, nos. 6 and 7; vol. CLXXIII, no. 81; D'Ewes, *Journals*, 285.

pounds upon Catholic recusants, by authorizing the seizure of the goods and two thirds of the lands of such as evaded or refused payment,[1] and vigorously addressed itself to the removal of Mary Stuart from the situation. The complicity of Mary in the Babington Plot gave to Walsingham and the statesmen who had long urged her death, grounds for insistence, and the more decisive stand of England internationally made the elimination of Mary a consistent and logical step. After nineteen years of imprisonment Mary Stuart was beheaded on February 8, 1587.

### MARY STUART

The importance of this step as indicative of the new determination of English policy in meeting the dangers which had confronted the realm from the beginning of Elizabeth's reign, will be made more evident, perhaps, by a summary showing the position which Mary occupied in national and international affairs during the period of her captivity. We have already spoken of her title to the throne of England and its bearing upon the Catholic problem during the first years of Elizabeth's reign, but until Elizabeth was definitely excluded from the Catholic communion Mary of Scotland must have felt that her claims to England's throne, in so far as they were dependent upon Catholic rejection of Elizabeth's legitimacy, had not received adequate support from papal power. When the Bull of Excommunication was finally issued by Pius V (1570), however, Mary was not free to push her claims with vigor, nor had her course of action during the years immediately preceding her confinement in England tended to make real the political purposes by which she should have regulated her personal and political action. We shall not here review the familiar story of Mary, Queen of Scots, her difficulties at home, the flight to England, her imprisonment and death. English treatment of the Scottish queen and Elizabeth's attitude toward

[1] *Statutes of the Realm*, 28 and 29 Eliz., c. 6.

her, points which concern us closely, have been the subjects of bitter historical controversy and partisanship. The motives which governed the English in their treatment of Mary have always provided a rich field for disagreement to the controversialists. With the details of that discussion we shall not meddle. We shall present briefly the considerations which to us seem to have determined England's attitude toward Mary.

In the eyes of the English political leaders of the time the detention of the queen for nineteen years was not wise. Barlow, Bishop of Chichester, wrote in 1575: "We have nothing new here, unless it be a new thing to hold a wolf by the ears, to cherish a snake in one's bosom; which things have ceased to be novelties in this country: for the queen of the north, the plague of Britain, the prince of darkness in the form of a she wolf, is still kept in custody among us." [1]

They clamored for her death: "If that only desperate person were away, as by justice soon it might be, the Queen's Majesty's good subjects would be in better hope, and the papists daily expectation vanquished. . . . There be many worldings, many counterfeits, many ambidexters, many neutrals, strong themselves in all their doings, and yet we which ought to be *filii lucis*, want our policies and prudence." [2]

That they did not have their way was undoubtedly due to the stubbornness of the Queen, her absolute refusal to make a decision to do as they wished. For this conduct on her part we have been offered the explanation that she was unwilling that the blood of her cousin should rest upon her head. Perhaps Elizabeth did have some such scruple, but it may be as reasonable to believe that the delay which she caused was due to a truly statesmanlike realization of the consequences of Mary's death. It must be remembered that

[1] *Zurich Letters*, no. ccvii; *Parker Corresp.*, no. ccxlix.

[2] *Parker Corresp.*, no. ccciv, Parker to Burghley, Sept. 16, 1572; Strype, *Annals*, vol. II, App., no. xiv.

the years until the death of Mary were years of political balancing and caution for England, years of inaction where inaction was possible, careful and parsimonious decision only when decision became inevitable, not alone in regard to the fate of Mary of Scotland, but in foreign and domestic policy in all other lines. Elizabeth with the men about her realized that Mary alive must be the nucleus of multitudinous plots. Would Mary dead give greater safety to England? Probably not. Mary's plots with English factions, papal emissaries, Scotch Catholics, and Spanish interests were dangerous only if they could be developed in secret, and it appears that nothing was hidden from the crafty spies of Walsingham and Cecil. In Scotland the Protestant party evidently joined with the radical English in demanding Mary's death. Elizabeth could have surrendered Mary and got rid of her easily had there appeared to her no good reason for keeping her cousin under her own control. Most of us find it difficult to think of the Scotch as anything other than Presbyterian, but it must not be forgotten that to Englishmen of Elizabeth's time it was by no means certain that Catholicism would not once more gain the upper hand in Scotland. Release of Mary might be the occasion for an outburst of Catholic zeal and fury there. As long as Mary was in English hands, England could count on Scotland's friendship and dependence. If Scotland became Catholic once more, Mary alive in English custody was worth more to England than Mary dead in the grave. Nevertheless, Mary's life was more important to England from the standpoint of her influence upon the question of the Spanish attitude than of the Scotch. Many Catholics did not see, Mary herself did not realize, but Elizabeth may have understood perfectly that the interest of Philip of Spain in the restoration of England to Catholicism had in it a very large element of selfishness. Philip entered into plots with Mary, he promised great aids, he sheltered and pensioned expatriated English Catholics, he stirred up dis-

content in the country. But he would not invade England to set Mary Stuart, a niece of Guise, upon England's throne — not even for love of Catholicism. He waited as Elizabeth hoped he would wait. He waited until Mary died at odds with her Protestant son. He waited until those who had been children at the accession of Elizabeth had grown to manhood under her rule and under the influence of the Church she had established. When Mary was killed Philip was ready to act. He received as a legacy from the Scotch queen the bequest of her claims on the English throne.[1] Action by Philip now, if successful, would bring him the selfish rewards which had always been essential to secure his action. He sent the Armada. The Spanish party, which for years before Mary's death he had tried to build up in England with the help of the Jesuit Parsons, proved to have no substantial body. All England, Catholic and Protestant alike, rallied to repel the invader.[2] Elizabeth's policy had proved successful.

That Elizabeth foresaw all this is incredible; that she may and probably did believe that the selfishness of Philip would keep him out of England as long as Mary Stuart was alive, is not difficult to believe; and it is easier to believe that this, rather than Elizabeth's fear of the blood of her cousin, was the reason why Mary's life was preserved for so many years in the face of English opposition.

## THE LAWS OF 1593

The defeat of the Armada did not for the Elizabethan, as it does for us, mark the end of the Spanish danger. It seemed a great victory, a national and providential deliverance from the hands of Antichrist and the hated foreigner;

[1] *Cal. State Papers* (*Simancas*), vol. III, pp. 581, 590, 645; Labanoff, *Lettres de Marie Stuart*, vol. VI, p. 453; *Record of the English Catholics*, vol. II, pp. 285, 286, paper drawn up by Parsons and Allen.

[2] Pierce, *Introduction to the Marprelate Tracts*, p. 146; *Cal. State Papers, Dom.*, Add. 1580–1625, vol. XXXI, p. 14; Strype, *Annals*, vol. III, App., no. lxv, a paper drawn up to show the Catholics how they may assist in repelling the Spaniard.

but the name and the prestige of Spain were still great, the forces of the Papacy insidious and persistent; the throne of the Queen and the independence of England not yet safe. Partly as a result of the national panic over continued dangers from the Spaniard and his "devils" the Jesuits, partly as a result of her thirty-five years' reign, dedicated, as the nation felt, to the spiritual as well as the political welfare and safety of England, enthusiasm for the Queen burst into flame and loyalty to the Crown assumed an importance that threatened to give to the monarchy a power and authority equal to that exercised by Henry VIII. Protestant extremists as well as Catholic, all whose opinions in the least threatened the safety of the State or the disturbance of the established system, were dangerous and should be crushed. In 1593 Parliament passed the most severe anti-Catholic legislation of the reign.[1] But it also enacted statutes against Protestant dissenters hardly less rigorous.[2] At no time in the reign, however, would dependence upon the formal letter of the law give a more misleading conception of the true spirit of governmental religious policy. The obvious inference from the legislation of 1593, that the Queen was taking advantage of a wave of national feeling to inaugurate a system of relentless repression of Catholics would be far from the truth. National loyalty won victories and wrote statutes which gave the Queen the mastery and might have supported a relentless persecution had the government desired it; but the government did not. Elizabeth used her supremacy in more tolerant fashion.

After the harsh laws of 1593 a system of horrible persecution would have been set up in England had the will to punish been as angry as the tone of the law. Fortunately those who led, both in Church and State, directed their efforts not to crushing either Jesuits or Catholics, but to

[1] *Statutes of the Realm*, 35 Eliz., c. 2.
[2] *Ibid.*, c. 1, "An Acte to retayne the Quenes subjectes in obedience."

providing insurance against treasonable outbursts of their enthusiasm. We find Bancroft, Bishop of London, with the consent of Elizabeth and the written absolution of the Council, going so far as to furnish the secular priests of Rome with printers and protecting them in the distribution of their books in order that the influence of the dangerous Jesuits might be counteracted. He and the Court hoped to win all loyal Catholics to peace by this practical evidence of immunity for those who confined their Catholicism to belief in the doctrines of the Mother Church and kept their skirts clear of political intrigue. Catholics were even led to hope for toleration of their religion. A Catholic wrote to Cecil: —

> England, I know, standeth in most dangerous terms to be a spoil to all the world, and to be brought into perpetual bondage, and that, I fear, your lordships and the rest of the Council will see when it is too late. Would to God, therefore, Her Majesty would grant toleration of religion, whereby men's minds would be appeased and join all in one for the defence of our country. We see what safety it hath been to France, how peaceable the kingdom of Polonia is where no man's conscience is forced, how the Germans live, being contrary in religion, without giving offence one to another. Why might not we do the like in England, seeing everyman must answer for his own soul at the Latter Day, and that religion is the gift of God and cannot be beaten into a man's head with a hammer? Well may men's bodies be forced but not their minds, and where force is used, love is lost, and the prince and state endangered.[1]

In 1601 Bancroft went so far in that direction as to present a petition for Catholic toleration to Elizabeth and his reproof was no more severe than the observation from the Queen, "These men perceiving my lenity and clemency toward them, are not content, but demand everything, and wish to have it at once."

To quiet the alarm of Presbyterians and radical churchmen who were frightened at the seeming kindness to the Catholics, Elizabeth was forced to issue a proclamation

[1] Historical MSS. Commission, Hatfield MSS., pt. VII, pp. 363–64.

disclaiming any intention to permit a toleration in England: —

> They [the secular priests] do almost insinuate into the minds of all sorts of people (as well the good that grieve at it, as the bad that thirst after it) that we have some purpose to grant a toleration of two religions within our realm, where God (we thank Him for it who seeth into the secret corners of all hearts) doth not only know our innocency from such imagination, but how far it hath been from any about us to offer to our ears the persuasion of such a course, as would not only disturb the peace of the church, but bring this our State into confusion.[1]

But the leaders dominated the situation and had no intention of abandoning the consistent policy of reconciliation and moderation which the Queen had found so effective during the period preceding the Armada. Bancroft did not succeed, as he had hoped, in transferring from Jesuits to seculars the influence over the Catholic laity, but he so intensified the bitter dissension in the ranks of English Catholicism that the danger of Catholic plot was for the time reduced to a negligible factor, and the persecuting spirit of the acts of 1593 grew cold during the last ten years of Elizabeth's reign.[2]

### ADMINISTRATION OF LAWS AGAINST CATHOLICS

The penalties imposed by the statutes ran through the whole range of punishments designed to discourage crime against the State. Fine, imprisonment, segregation, exile, or death, might legally result from failure to conform to the established ecclesiastical requirements, but Elizabeth and her government in the imposition of these penalties assumed pretty definite policies which modified considerably the purposes of the statutes imposing them.

The authorities were exceedingly reluctant to apply the extreme penalty to all those who might clearly and easily have been brought under the terms of the statutes. The ex-

[1] *S. P., Dom., Eliz.*, vol. CCLXXXV, no. 55.
[2] Usher, *Reconstruction*, vol. I, pp. 132–37, 156–59.

cesses of Mary's reign were fresh in the minds of the people as a horrible example of papal cruelty which it was the pride of the English to avoid. Elizabeth's hope of securing the peaceable acquiescence of the nation to the new ecclesiastical establishment was dependent upon abstinence, so far as possible, from any action which would incite the fears of Catholics or range the nation definitely upon the side of the radical Protestants. Ecclesiastical censures, fines, short terms of imprisonment, even if applied pretty generally, would necessarily afford less ground for the development of Catholic desperation than would even one death for adherence to the old faith. Patience, care that pressure was not applied to those persons who might, if pressed, persist in opinions and actions which would subject them to the extreme penalties of the law, a certain clear-sighted blindness to the violation of the law, enabled Elizabeth to rule for ten years unsmirched by the blood of any Catholic subject. When armed rebellion, papal absolution from obedience to her rule, and treasonable plots against her throne and life made it clear that some Catholics, at least, would not rest content with the passive resistance which Elizabeth had been well content to overlook, the policy of the government in dealing with such persons was carefully formulated and given the widest publicity.

The public utterances of governmental officials, the state papers and writings of Burleigh, the proclamations of Elizabeth in reply to the Bull of Excommunication, made the strongest possible declaration of the government's purpose to abstain from interference with the religious opinions and conscientious scruples of Englishmen, so long as those opinions and scruples did not involve the commission of open acts in direct violation of the law and dangerous to the safety of the State. To be sure, such a statement might mean little, since, under a less liberal interpretation, almost any manifestation of Catholic faith could, without inconsistency with the avowed policy, be treated as inimical to

the welfare of the commonwealth. But with few exceptions Elizabeth and her government were careful to seek and to find evidence of clearly menacing purpose before proceeding to the imposition of the death penalty.[1] Legally much was treasonable that was not punished as such, and the knowledge of Catholic activity in the hands of the government at all times was used only when it seemed that a warning was needed, or that the activity of some individual was actually dangerous to the State.

Perhaps no closer comparison of the English governmental attitude toward Catholics can be made than with the attitude of established government toward anarchistic opinion in our own time. The attitude is distinctly one of suspicion and supervision, but also one of tolerance and abstinence from active interference, except when the expression of opinion becomes clearly destructive of existing institutions or manifests itself in acts of violence. The comparison is also susceptible of extension to the opportunity afforded in both cases for the manifestation by minor officials, because of individual feeling or desire for personal advantage, of an attitude less tolerant than the one assumed by the government. The zeal of the police in our own country sometimes oversteps the law, and in Elizabeth's day it sometimes became necessary for the government to restrain excessive zeal in the repression of Catholics on the part of government officials. The centralized authority of the Privy Council enabled the government to dismiss quietly harmless Catholics whom the zeal of local officials had involved in difficulties.

"The total number of Catholics who suffered under her [Elizabeth] was 189; 128 of them being priests, 58 laymen and 3 women." To them should be added — as Law remarks in his "Calendar of English Martyrs" — thirty-two Fran-

[1] Strype, *Annals*, vol. III, App., no. xlvii, "That such papists as of late times have been executed were by a statute of Edward III lawfully executed as traitors. A treatise."

ciscans "who were starved to death." [1] This is one of the most recent Catholic statements. If the figures given are accepted without question, one who is uninterested in proving the diabolic activity of the Elizabethan government will be impressed by the comparative smallness of the number who suffered death during the forty-five years of Elizabeth's rule. In this number are included Catholics who suffered because of clearly treasonable activity as well as those who suffered because of too great caution on the part of the government. The number, therefore, who suffered death without having been involved in what, to-day even, would be regarded as treason, must have been relatively small; so small as to afford little ground for the argument that the action of the government against Catholics was inspired by a theory of its duty to crush out that type of personal religious faith. It is undoubtedly true that some Catholics were condemned to death and executed who were personally guiltless of more than adherence to their religious faith, but they were the innocent victims of the treasonable activity of their fellow Catholics, rather than of governmental religious intolerance. The case of Campion is in point. Campion was himself singularly free from political guile and suffered death, not for his own intrigues, but for those of his brother Jesuit Parsons. Many Catholic writers have either included in their lists of martyrs every Catholic who died, no matter what the cause, or have, with more seeming fairness, made the most of every case where the evidence of treasonable complicity is not clear. Anglicans have endeavored often to establish presumption of criminal complicity in practically all the cases, or have satisfied themselves by glossing over the facts by vague, general statements about differences of times and the cruelty of the age. To an impartial observer it seems useless to try to distinguish in every case between the justly and the unjustly condemned upon the basis of such

[1] W. S. Lilly, "England since the Reformation," *Catholic Encyclopedia*, vol. v, p. 449.

remnants of evidence as remain to us. The important thing is not the establishment of the justice or injustice of individual cases, but the determination of whether the policy proclaimed by the government was the one which was in fact adhered to in its treatment of Catholics. The evidence is overwhelmingly in favor of the conclusion that it was. The cases in which the death penalty was imposed without definite political reason are so few that, though they may excite compassion and regret, they are not of sufficient weight to counterbalance the evidence which establishes the unwillingness of the government to proceed to the death penalty in its dealings with Roman Catholics. Elizabeth created and maintained an illegal toleration of Catholics of such extent that in the later years of her reign the Catholics were encouraged to hope that freedom of worship would be granted them, and Elizabeth was compelled, by the fears and bigotry of her radical Protestant subjects, to issue a proclamation denying that she had any such purpose. Perhaps nothing more clearly indicates the success of the government's Catholic policy. The most important hindrance to it during the last ten years of the reign came, not from the excesses of the Catholics, but from the opposition of the radical Protestant groups that had, during the first thirty years of Elizabeth's rule, developed into parties of consistent antagonism to the middle course in ecclesiastical matters. Of these bodies and their attitude we shall speak in a succeeding chapter.

Theoretically, the purpose of the death penalty is the final removal of those subjected to it from the community to whose peace and existence their presence is a menace. From the standpoint of the State, the more merciful penalty of exile is less effective than death, only because of the possibility of a secret return to the community. Because of the unwillingness of the English authorities to stir up the emotional horror of the nation by condemning Catholics to death, the policy of exiling them would have been an ob-

vious one for the government to adopt had it desired to rid the commonwealth of Catholics. But the circumstances were such that the detention of Catholics in England was less dangerous than forcing them into, or permitting them to seek, exile.

In 1574 Cox wrote, "Certain of our nobility, pupils of the Roman pontiff, either weary of their happiness or impatient of the long continued progress of the gospel, have taken flight, some into France, some into Spain, others into different places, with the view of plotting some mischief against the professors of godliness."[1] The aid which exiles might give to foreign enemies was more to be feared than their activity at home under the eye of the government.

We have noted the laws which attempted, by means of confiscation of property, to secure the return to England of such persons as fled overseas. Probably such laws were not very effective in inducing those to return who had already fled to the safety of the Continent, but they were perhaps of use in causing Catholics who were still in England to remain in the enjoyment of their property even at the expense of occasional fines, a regular tax, or short terms of imprisonment; and this unwillingness to subject themselves to the hardships of property loss and exile was encouraged by practical assurance of the inability and unwillingness of the government to impose upon Catholics who remained peacefully in England, penalties involving hardships equal to those of exile.

There are but two exceptions to the consistent purpose of the State to keep the Catholics at home. The statute against Jesuits and seminary priests, passed in 1585,[2] provided for the expulsion of such persons from the kingdom within forty days after the close of Parliament, and the act passed in 1593 against Popish Recusants[3] provided that

[1] *Zurich Letters*, no. cxcix; *S. P., Dom., Eliz.*, vol. CLXXVI, no. 9; Strype, *Annals*, vol. II, pt. I, p. 495; pt. II, App., no. xl.

[2] 27 Eliz., c. 11.

[3] 35 Eliz., c. 11, sec. v.

those who because of poverty lived better in prison than they could if "abrode at their own libertie," should be compelled to adjure the realm. The provision of the act against the Jesuits and seminary priests which required them to leave the realm applied, however, only to a small and, in a sense, non-resident class, whose activity in England was more dangerous than upon the Continent, and is no very large exception to the general rule. Further the provision which allowed Jesuits and priests to remain for forty days after the close of Parliament was a merciful and politic measure, for the laws already upon the statute books were sufficient to condemn to death any Jesuit or priest caught in England, and it was probable that the dread of Jesuit machinations felt by the nation would have left no other alternative. The opportunity to leave, thus offered Jesuits and priests, gave no such cause for Catholic alarm as would the enforcement of previous law against those already virtually in the power of the government. The other exception was merely the logical consequence of the chief purpose of the government in dealing with the Catholics, the purpose to make them pay the expenses of supervision and, if possible, a profit for the treasury. The class affected by the order to leave the kingdom did not have and could not pay any money toward its own support. The order to leave the realm was in fact about equivalent to the expulsion of a pauper class.[1] Without money they could work little harm on the Continent.

The imprisonment of Catholics who refused to submit to the formal requirements of the law in regard to church attendance and outward conformity was not persecution inspired by religious principle. The conformity which the government demanded was little more than a pledge of political loyalty to the Crown, and at first did not, to most Catholics,

[1] See R. B. Merriman, "Notes on the Treatment of the English Catholics in the Reign of Elizabeth," *American Historical Review*, April, 1908, vol. XIII, no. 3, for a project to send poor Catholics to America.

imply any renunciation of their religious faith. Imprisonment was resorted to because it was felt that persons who would not grant the easy pledge of loyalty demanded were dangerously hostile and should be shut up until they were no longer dangerous; that is, until they would submit themselves and conform. The difficulty encountered, however, in this method of dealing with Catholics was that there were too many of them, — there were not enough prisons to hold them all. Several methods of confinement were tried. Catholics were committed to prison at their own expense, they were released on bond, they were confined to their houses or neighborhoods, or placed in the easy custody of responsible individuals.[1] Segregation in such places as Ely and Wisbeach was tried. But there was an embarrassingly large number of Catholics, and to imprison them all, even by these expedients, involved a great deal of expense that the government did not like to incur.

Fines and confiscations of property were the penalties that appealed most to the parsimony of Elizabeth, and best fitted in with the purposes of the government to avoid placing excessive burdens upon loyal Catholics.[2] The fine of one shilling for absence from church brought in little money, however, and contributed practically nothing toward the expense of supervision. In the early eighties, when Catholic activity became alarming, Walsingham found that his vigorous efforts to cope with the danger were costing more than the sum furnished by confiscations, the fine of one hundred marks imposed upon those who depraved the services, and the fine of one shilling for absence from church. The act passed by Parliament in 1581, "to reteine the Queenes Majesties Subjectes in their due Obedience," endeavored to make up the deficit by providing that absentees from church be fined twenty pounds a month. In December, 1580, Mendoza had written to Philip, "The Queen has ordered an inquiry into the incomes of the imprisoned

[1] *S. P., Dom., Eliz.*, vol. CXXVII, no. 6. [2] *Ibid.*, no. 7.

Catholics, which cannot fail to be considerable as their number is large. It is understood that the object is to pass an Act in Parliament confiscating their property if they do not go to church. Their punishment hitherto has only been imprisonment." [1] The statute was not so severe as they had feared, however, and perhaps nothing so well serves to emphasize the previous want of hardship imposed upon Catholics as their efforts to prevent the passage of this law. They offered Elizabeth a hundred and fifty thousand crowns in a lump sum as evidence of their loyalty and willingness to contribute to her expenses, and their unwillingness to pay such a tax.[2] But, curiously enough, the act had neglected to provide a means of levying upon the lands and property of those subject to the penalties, and the first alarm of the Catholics subsided as soon as it became evident that the law would become inoperative if passive resistance and evasion were resorted to. A curious paper drawn up by a Catholic to furnish directions on how to meet the law is headed: —

> A briefe advertisement howe to answere unto the statute for not cominge to church both in law and conscience conteyning three principall pointes. The first what is to be said in law to that common demand, Doe you or will you goe to the Church, The second whether the matter of the statute for not cominge to Church can be found by inquisition of a Jury. Thirdly, if any person beinge denied the advantage of all exceptions by lawe how to answere with most safety according to the duty of a catholique.[3]

To many, imprisonment or the easy custody in which they found themselves, was far preferable to the payment of such a sum for their freedom.[4] Further, the essential defect of the act was hardly more responsible for the failure to impose the large fine than was Elizabeth's attitude.[5]

[1] *Span. Cal., Eliz.*, vol. III, no. 57, p. 70. [2] *Ibid.*, no. 79.
[3] *S. P., Dom., Eliz.*, vol. CXXXVI, no. 15.
[4] *Span. Cal., Eliz.*, vol. III, no. 109; *S. P., Dom., Eliz.*, vol. CXXXVI, no. 17; vol. CXIV, no. 22.
[5] *S. P., Dom., Eliz.*, vol. CLV, no. 42.

The passage of the act had raised such alarm among Catholics and the crisis of 1581 had passed so easily that, dearly as she loved money, Elizabeth felt it was dangerous to her policy of compromise to permit its rigid enforcement. There is no evidence that the government secured the regular income from the fines which might have been expected and which actually did accrue, when, in 1587, the threatening danger of Spanish invasion made the Court willing that the defects of the act be corrected, and removed Elizabeth's personal opposition to its enforcement.

Walsingham was dissatisfied with the act and with the attitude of Elizabeth, for he well knew that had the Court wished the law enforced, the minor defects of statement in the law would have presented no insurmountable obstacle.[1] When the contributions of recusants [2] in 1585–86, toward the force raised for the assistance of the Netherlands, showed that the failure of the act of 1581 was not entirely due to the poverty of the Catholics, but to their unwillingness to submit themselves to such an excessive tax as the law demanded, Walsingham seized upon this idea and secured a letter from the Privy Council to the sheriffs and justices of peace, which had for its purpose such ease and alleviation of the penalties imposed by the laws as would enable the government to secure a reasonable tax from all recusants.[3] The proposal was that the local officials should require the recusants "to make offer and sett downe every man accordinge to his particular value what yearly sume he cane be contented of his owne disposition to allowe . . . to be discharged of the perill and penalties of the lawe whereunto they may stand subjecte and liable by reason of their recusancye." The income promised as a result of this modification of the act was more than had been obtained during the four years since its passage, but Walsingham was

[1] *S. P., Dom., Eliz.*, vol. CLVII, no. 51; vol. CLI, nos. 72 and 73.

[2] *Ibid.*, vol. CLXXXIII, nos. 15, 23, 32, 33, 35, 38, 40, 45, 46, 51, 53, 57, 61, 62, 71, 72; vol. CLXXXIV, nos. 41, 45, 46, 61.

[3] *Ibid.*, vol. CLXXXVI, nos. 81–83; vol. CLXXXVII, no. 45.

not yet satisfied with the returns.[1] The recusants had just made what they felt was a generous contribution to the expenses of the Dutch expedition, and did not wish to part with any more money. The law of 1581 had been a dead letter so long that its perils and penalties did not inspire them with much fear. It would have been well for them had their response been more enthusiastic and liberal, for the fears inspired by the foreign political situation in 1586–87 led Parliament in 1587 to provide for the enforcement of the penalty by authorizing the seizure of two thirds of the lands and all the goods of recusants who evaded or refused to pay the fine.[2]

The administration of this phase of the law was now taken out of the hands of the local officials, often incompetent or parties to its evasion, and placed in the hands of court appointees, and the results were gratifying both to the government and to those who shared with the government the revenues forced from the Catholics.[3] During the last years of the reign, this method of taxation had become so regular and dependable that the recusants' fines were farmed out.

Curiously enough, in the face of statutes which made the Catholic faith a crime, we find Catholics occupying offices of trust in the kingdom, rich and powerful, giving wholeheartedly of their loyal service against the Spanish invader. Their presence, in the face of the laws on the statute books, would have been impossible had laws been consistently enforced.[4] Needless to say they were not. Within limits the laws were consistently annulled. Loyal Catholics from whom money could be extracted were left in comparative

[1] *S. P., Dom., Eliz.*, vol. CLXXXVII, nos. 45, 48, 49, 64; vol. CLXXXIX, nos. 2, 17, 47, 48; vol. CXC, no. 11; vol. CXCIV, no. 73; Strype, *Annals*, vol. III, pt. II, App., no. xiii.

[2] 29 Eliz., c. 6; D'Ewes, *Journals*, pp. 387–88, 415–17.

[3] *S. P., Dom., Eliz.*, vol. CCXXIX, no. 68; vol. CCXLI, no. 66; vol. CLVII, no. 77; vol. CCLI, no. 53; W. H. Frere, *English Church under Elizabeth and James I*, pp. 214, 264–67, 337; Strype, *Annals*, vol. IV, no. cxxxii; no. xxxi.

[4] *Parker Corresp.*, no. cccv, Parker to Burghley, Oct. 6, 1572.

peace. The laws stood on the books, witnesses to the world of the loyalty and patriotism of the English people; warnings against disloyalty; harsh correctors of treason when need required. They were little more. They were intended by the government to be little more. However truly they may stand to-day, and stood then, as the expression of an intolerant religious spirit in the people of England, that was not the purpose of the government in allowing their enactment, nor is it evident in the government's use of the laws enacted. Had the rulers wished to use the laws in the spirit of repression, persecution would have been more severe than we find it, and the existence within the kingdom of any considerable body of Catholic believers impossible. The government was not, however, seeking the extermination of Catholics; it was seeking the safest policy for itself; it might use the intolerance of religious fanatics to make its laws, but it would use its own judgment in enforcing them.

It is hard for us to conceive of the innumerable influences the Court could bring to bear, without coming into open conflict with the statutes of Parliament, to annul the effects of the legislation therein embodied, if such statutes interfered with, or were contrary to, the policy upon which the government had determined. The Queen's prerogative was great. The Council was practically unlimited by existing law or public opinion in what it could do. The law itself placed in the Queen's hands the means to make of little effect any procedure of which she disapproved. The Church was absolutely under her thumb, and could not move to do its share in enforcing these acts without her consent or even direct order. The local officials were under the influence of the gentry,[1] and upon the local officials depended the enforcement of the acts to an extent little realized to-day; and their responsibility to the superior power, while undisputed, was not backed by an efficient series of connecting links or an

[1] *Parker Corresp.*, no. cc, Parker to Cecil, Feb. 12, 1565–66; *S. P., Dom., Eliz.*, vol. XIX, no. 24; vol. LXXIV, no. 22.

effective supervision. Further, the influence of the gentry in protecting their retainers in office was greatly increased during a time when the government feared to antagonize any of their class because of the immense influence they had upon their immediate neighbors, and the mass of unintelligent and otherwise negligible persons who took their opinions and orders from the gentry.

> Your Lordship knoweth that the people are comonly carried away by gentlemen Recusants, landlords, and some other ringleaders of that sorte: so as the winninge or the punishinge of one or two of them is a reclayminge or a kind of bridlinge of many that doe depend upon them.[1]
>
> I would plainly prove this, that neither ye Papists number equall their report, nor ye Puritans would euer fill up a long register, if ye ministers and Recusants were not backed, flattered and encouraged by Gentlemen in countries that make a good reason for it, if private evil may justifie such formes, as keep oyle still in yt Lampe.[2]

All these influences combined to make the acts of Parliament less severe in practice than they were in letter. Nor must it be lost sight of that the Parliaments from 1570 to 1585 were Parliaments containing a large anti-Catholic element which the Queen and the Church of England men were anxious to keep under control because they were representative of a class which desired definitely to abandon the government policy of leniency in religious matters. Their statutes served as a means to keep down dangerous conspiracies and as a testimonial to the Catholic powers that the Queen was backed by the nation in her position of independence. That they should be rigidly enforced, Elizabeth did not desire.

This view is not entirely supported by the utterances of those who surrounded Elizabeth and were supposed to be in her confidence. But there were in her Court and Council at least two factions, the one headed by Leicester and Sir Francis Knollys, who represented the rabid Puritan oppo-

[1] *S. P., Dom., Jac. I*, vol. XIII, no. 25. [2] *Ibid.*, vol. XII, no. 28.

sition to all things Romish, in part from conviction, perhaps, but chiefly from desire to humiliate the second and leading faction headed by Cecil and Bacon. The utterances of the former may be dismissed for the present by classing them with that radical element in Parliament whose programme of legislation served the useful purpose of warning against conspiracy and foreign interference. The latter faction felt that the Queen proceeded too moderately and agreed, in part at least, with the anti-Catholic Parliamentary programme of the radical reformers. Their motives were, however, entirely political and loyal, and not, as it seems, personal or religious, and they agreed, that, if possible, the policy of reconciliation was best. Cecil seems to have continually entertained plans for preserving and making more effective Elizabeth's determination to make state policy and not religious opinion the test of Catholic repression. As late as 1583 we find him proposing that the oath of supremacy be so modified that Catholics could swear their allegiance without violating their religious convictions.

> Therefore considering that the urging of the oath of supremacy must needs, in some degree, beget despair, since in the taking of it, he must either think he doth an unlawful act, (as without the special grace of God he cannot think otherwise,) or else, by refusing it, must become a traitor, which before some hurt done seemeth hard: I humbly submit this to your excellent consideration, Whether, with as much security of your majesty's person and state, and more satisfaction for them, it were not better to leave the oath to this sense, That whosoever, would not bear arms against all foreign princes, and namely the pope, that should any way invade your majesty's dominions, he should be a traitor? For hereof this commodity will ensue, that those papists (as I think most papists would, that should take this oath) would be divided from the great mutual confidence which is now between the pope and them by reason of their afflictions for him; and such priests as would refuse that oath, then no tongue could say, for shame, that they suffer for religion, if they did suffer.
>
> But here it may be objected they would dissemble and equivocate with this oath, and that the pope would dispense with them in that case. Even so may they with the present oath, both

dissemble and equivocate, and also have the pope's dispensation for the present oath, as well as the other.[1]

The number of Catholics in the country was great and it is somewhat astonishing and difficult of explanation, if one believes that the government had deliberately set out to suppress all Catholics, to find Cecil saying, "I wish no lessening of their number but by preaching and by education of the younger under schoolmasters." His proposal that tenants be protected from popish landlords to the extent "that they be not put out of their living" for embracing the established religion, neither argues any general suppression of Catholics nor any desire on the part of Cecil that they be absolutely suppressed.[1]

It is clear that the anti-Catholic legislation, passed in part because of dangers from Catholic enemies, in part because of the influence of growing anti-Catholic sects, was modified in the letter of its enforcement, primarily by the conciliatory and positively tolerant purposes of government politics, and secondarily by the unavoidable inadequacy of the machinery of enforcement.

We have in this chapter traced briefly the course of Elizabethan religious and ecclesiastical politics, with especial reference to the relations that existed between the Catholics and the English government. We have shown that political motives dominated the government in its organization of the Church and in its repression of Roman Catholicism. We have endeavored to make clear the fact that in spite of penal legislation, in spite of pressure from within and without the kingdom, considerations of national safety made the policy of the government throughout the reign one of conciliation toward Catholics. This conciliatory attitude marks

[1] "A Tract of Lord Burleigh to the Queen," *Somers Tracts*, by Sir Walter Scott, vol. I, p. 165 (13 vols. London, 1809). Quoted in Hallam, *Const. Hist.*, vol. I, p. 157.

[2] Burleigh, "Execution of Justice," and Walsingham's letter printed in Burnet, pt. II, bk. III, p. 661. Also Queen's proclamation after the issue of the Bull of Excommunication. Spedding, *Life and Letters of Bacon*, vol. I, p. 97; *cf.* for the Catholic view, J. H. Pollen in *The Month*, Nov., 1904.

a perceptible advance in the direction of toleration by its educational influence upon the people of England toward the acceptance of the principle that state safety, preservation of national political integrity, and not championship of a particular form of salvation, was the reason for restraint on men's religious practices, and that such restraint should be exercised only when open and overt acts, or the expressed determination to commit actual acts of hostility, arising from such opinions, endanger the safety of the commonwealth. Unfortunately the acceptance of these principles was not complete. The government had erected and maintained a National Church that had yet to learn to apply these ideas to all, and Puritanism had during the period developed into complex groups of fanatical intolerance. It is to the examination of the Anglican Church and the sects of Protestantism that we must now turn.

## CHAPTER IV

## CHURCH AND STATE

It would be an interesting study in religious life and ideals and in religious psychology to attempt to draw a diagram of the complex motives which actuated the men who once more set in motion the machinery of the Church of Henry VIII. It would be an interesting and perhaps profitable study to examine the mechanism they set in motion at the beginning of Elizabeth's reign, when the Church was in its formative period, and when the structural features of its organization were in greatest evidence, and their character of greatest importance in determining the nature of the English Establishment. But motives and mechanics are closely connected. The Anglican Church, like every other great institution drawing its support from the love and emotion of a people, never existed in mechanical form alone. The Church was always a living body, not a structure artificially constructed from the blue-prints of mere governmental politics. Men built into the Church their motives, loves, hatreds, their delusions and ambitions.

Yet the Church of that time was not the Anglican Church we know, with its great body of traditions, its long history and distinctive personality. Anglicanism had not yet won for itself an allegiance which in devotion and in loyalty — and occasionally in bigotry — has rivaled the feeling of Catholics for Mother Church. The Church had not come to look upon itself as an institution whose form and doctrine had been determined by the ordinance of Deity. It had not yet returned in search of apostolic authorization to the dim infancy of a primitive church history of questionable authenticity. At the beginning of Elizabeth's reign the Church did not demand from Englishmen their adherence

upon these grounds; its appeal was to expediency and to loyalty, rather than to divine right.

The new church system was an experiment, a part of that general experimentation to find a *modus vivendi* and to meet the untried difficulties by which Protestantism was everywhere confronted. It was an experiment connected with, and founded upon, the experience and organization of the past, but an experiment nevertheless. Many who supported it recognized its experimental character and hoped that it would be but temporary, the vestibule to that better and more truly Christian building whose plan they had learned from John Calvin in the days of their exile. Many failed to see that it was an experiment and felt surprise when later experience proved this governmental tool unable to cope with changed conditions. None believed possible, few desired, a complete break with past ecclesiastical history; but neither did any recognize the inadequacy of that organization and that past experience for the new conditions. Between the elements which made up the new Church conflict arose. Yet, as we search for the qualities which have held for centuries the allegiance of Englishmen, we find two still maintaining their sway, which lay at the basis of the Church even in its foundation, the elements of patriotism and of moderation.

### THE NATIONAL CHARACTER OF THE ESTABLISHMENT

How great has been the influence of these two factors during the history of the Church, how important the rôle they have played during its later development, we shall not inquire; it is impossible, however, to comprehend the Church of Elizabeth's day without understanding how there was breathed into it a spirit which has made Englishmen feel that the Anglican Church is peculiarly English, noble and worthy the devotion and love of Englishmen, and that it is neither rabid with the unreasonable and unreasoning love of change, nor, on the other hand, cold and inflexible

and dead. We must understand the Englishman's loyalty to the Church as a national institution and the Englishman's pride in the safe, sane character of the Church's government and doctrine, if we would understand the structure which was given to the Church when England's greatest sovereign sat upon the throne.

Fundamental in the creation and maintenance of that moderation and inclusiveness, which have come to be the particular pride of the Anglican Establishment, were the close connection between Church and State at the beginning of Elizabeth's reign, and the dominance of political interests in that union throughout the forty-odd years of her rule. The identification of the ecclesiastical and the religious establishment of the kingdom with the political integrity of England gave to the support of the Church a patriotic importance which has persisted through times when national welfare demanded rejection of the claims of the Church. To the dominance of State over Church in Elizabeth's time, the Anglican Establishment owes those elements of character and form which have made it an institution so distinctively national, and through which it still retains the allegiance of the vast mass of Englishmen.

## THE ROYAL HEADSHIP

In England the subordination of the Church to the will of the sovereign was no new thing. From the time when William the Norman had refused to render homage to Gregory VII, and resisted all attempts to sink his power and the English Church, into absolute subservience to the dominance of the Roman See, kings of England had struggled to keep a grip on the National Church, and Parliament had enacted laws to maintain the independence which they believed an essential characteristic of the Church in England. Continental theory and practice supported the assumption that the religion of the people should follow the religion of the prince. The ecclesiastical changes undertaken by Henry

had rested fundamentally upon this principle and, at a time when the popular absolutism of the first Tudors had so closely identified loyalty to the sovereign with loyalty to the nation, the people of the kingdom accepted the theory almost without question, and a book, written by Hayward, which asserted that allegiance was due to the State and not to the person of the sovereign raised a great stir because of the novelty of the idea.[1] The reigns of Edward and Mary and the ecclesiastical changes which accompanied them confirm the fact of submission to the idea, in spite of the persistence during Mary's reign of a Protestant opposition developed under Edward. As long as national life and loyalty to the Crown were so closely identified, the connection between Church and State would persist if the personal safety or the dynastic claims of the sovereign made necessary the championship of any particular religious or ecclesiastical establishment against the claims of foreign power. The hostility of Roman Catholics and Roman Catholic powers to Elizabeth made it necessary for the Queen to call upon the nation for support of her ecclesiastical policy in order that her right to rule, established by the Parliament of Henry, might be maintained.

An ecclesiastical establishment, on any basis other than that of the supremacy of the Queen over the Church as well as State, was, to the Tudor Elizabeth, inconceivable. English history and Continental practice made it familiar. The political situation made it necessary. Elizabeth's desire for the power which she believed essential to her dignity made impossible any other arrangement. On such practical considerations was based the royal headship, still one of the distinctive characteristics of the English Establishment.

Although Elizabeth's first Parliament had, in the Act of Supremacy, dropped the title used by Henry, "Supreme Head of the Church in England," so offensive to Catholics

[1] *S. P., Dom., Eliz.*, vol. CCLXXV, no. 28, no. 31.

and not entirely acceptable to some Protestants,[1] the essential fact remained. It is somewhat difficult to define just what this headship involved, just what were its limits. The act does not clearly define it. The men of Elizabeth's time set few bounds. Elizabeth herself disclaimed the right to exercise spiritual functions,[2] yet it is difficult to see how powers she undoubtedly did exercise are to be distinguished from supreme pastoral office. The act, 8 Elizabeth, c. 1, declares that the Queen, "by her supreme power and authority, hath dispensed with all causes and doubts of any imperfection or disability that can or may in any way be objected" against the validity of the consecrations of the archbishops and bishops already made. She sometimes asserted powers equal to those of the Pope, and the leaders of the kingdom, both in Church and State, were equally generous. Cecil said that the Queen might do as much as the Pope and that she certainly could exercise powers equal to those of Archbishop Parker.[3] Jewel asserted that the English give to the sovereign "that prerogatve and chiefty that evermore hath been due unto him by the ordinance and word of God; that is to say, to be the nurse of God's religion; to make laws for the church; to hear and take up cases and questions of the faith if he be able; or otherwise to commit them over by his authority unto the learned; to command the bishops and priests to do their duties and to punish such as be offenders."[4] Bancroft granted that her authority was equal to that of the Pope. Parker was more cautious. He wrote: "It is one thing to discuss what is done, in order or out of order, and commonly hand over

[1] Jewel, *Works*, vol. IV, Letters, no. xii; *Def. of Apol.*, pp. 974–76; *Zurich Letters*, nos. xvii, xviii; Burnet, vol. III, bk. VI, no. 52; *Parker Corresp.*, no. xlix; Calvin, *Commentary on the Book of Amos*, chap. VII. v. 13, "Erant enim blasphemi qui vocarent eum [Henricum VIII] Summum Caput Ecclesiae sub Christo."

[2] *S. P., Dom., Eliz.*, vol. XV, no. 27; vol. XXVII, no. 40; Thirty-nine Articles, on the Civil Magistrate.

[3] *Parker Corresp.*, no. cclxx.

[4] Jewel, *Works*, vol. III, p. 167. *Cf.* also, *ibid.*, vol. I, pp. 396–97, 410–11; vol. III, p. 98; vol. IV, pp. 976, 959, 903, 1036.

head, and what is safely and surely done by warrant of law. During the prince's life who will doubt of anything that may pass from that authority? But the question is, what will stand sure in all times, by the judgment of the best learned? And here I am offended with some lawyers, who make the Injunctions of the prince in her own life not to be of such force as they make a Roman law written in the same or like case." [1] And to Cecil: "Whatsoever the ecclesiastical prerogative is, I fear it is not so great as your pen hath given it her in the Injunction, and yet her governance is of more prerogative than the head papists would grant unto her." [2] Pilkington, who represented the more Protestant group within the Establishment wrote: "We endure, I must confess, many things against our inclinations, and groan under them, which if we wished ever so much, no entreaty can remove. We are under authority, and cannot make any innovation without the sanction of the queen, or abrogate any thing without the authority of the laws: and the only alternative now allowed us is, whether we will bear with these things or disturb the peace of the church." [3]

No party, not even the more radical Protestants,[4] whether Calvinist, Lutheran, or Zwinglian, questioned the necessity of the union of Church and State, and a certain supremacy of the sovereign over the Church. The difficulties were entirely over the extent of that supremacy and the nature of that union. Theoretically, perhaps, the Established Church of Elizabeth was founded upon a difference in kind of secular and spiritual matters, of government and church. "A church and a commonwealth, we grant, are things in nature the one distinguished from the other. A church is one way, and a commonwealth another way defined." [5] But

[1] *Parker Corresp.*, no. cclxx. [2] *Ibid.*, no. ccclxix.
[3] *Zurich Letters*, no. clxxvii.
[4] The Anabaptists would have questioned the necessity for such union between the Church and State, but it is very doubtful whether there were Anabaptists in England during the early years of Elizabeth's reign. There were certainly not enough to merit the name of party. *Cf.* Burrage, *Early English Dissenters, passim.* [5] Hooker, *Ecc. Pol.*, bk. VIII, chap. I, sec. 2.

mediæval history had long before proved untenable the theory that supreme spiritual authority and supreme temporal power could move each in its own distinct sphere. The theory of the equality of the two powers had given way to two opposing theories: that the secular power was inferior in kind to spiritual power and therefore subject to it in all matters over which the spiritual power chose to assert its authority; that the secular power was divinely instituted and therefore had control to a great extent within the spiritual realm. The political necessity for a strong secular administration in England and the complications of secular with religious politics necessitated the negation of the theoretical separation of the two powers. To all intents the Church was founded and conducted upon purely Erastian principles. This was the view of the Queen and was confirmed by the action of the government, and in great part also, by the statements of churchmen, however much they kicked against the pricks of governmental domination in individual cases.

The religious acts passed by Elizabeth's first Parliament had vested in the Imperial Crown of the realm all spiritual or ecclesiastical authority of visitation, reformation, and correction of the Church,[1] and had given to the Queen authority to make ordinances and rules in churches collegiate, corporations, and schools,[2] and with the advice of the Metropolitan to make changes in the order appointed in the Book of Common Prayer or in the ornaments of the church and ministers.[3] Here certainly is extensive power, and the means for its practical exercise were provided by the authorization of commissions to be issued under the Great Seal.[4] The power of the Queen was not limited, by the terms of the act, as to the time for which such commissions should continue their existence, the number of persons in

[1] Act of Supremacy, par. vii.
[2] 1 Eliz., c. 22; *Parker Corresp.*, nos. cv, cvii.
[3] The Act of Uniformity, par. xiii. *Cf. Parker Corresp.*, nos. xciv and xcv.
[4] Act of Uniformity, par. viii.

the commission, nor the number of commissions existent at any one time. The only limitation placed upon her in their appointment was that such persons as were appointed be natural-born subjects of the realm.

In actual practice the Queen took full advantage of this broad privilege to an extent usually given little weight in the treatment of the ecclesiastical commissions during her reign. Emphasis has most usually been placed upon the central, more permanent ecclesiastical commission at London, commonly called the High Commission, but other commissions of wide jurisdiction and extensive powers were created; commissions of royal visitation, provincial commissions, diocesan commissions, and temporary or local commissions were issued for special purposes, all exercising according to the particular terms of the letters patent, as provided by the act, a more or less extensive degree of the power involved in the royal supremacy.[1] It should be noted, in passing, that the lesser and local commissions, the commissions other than the High Commission, enabled the Queen to keep a closer rein on ecclesiastical affairs than would have been possible had she vested her authority in one High Commission, which might have developed a tendency to become an independent body, exercising her powers without reference to the Queen, in somewhat the same way that the King's Court outgrew the control of royal power.

## THE ECCLESIASTICAL COURTS

The extensive power involved in the royal supremacy thus placed in the hands of the Queen, is by the acts apparently limited by the clause which saves the jurisdiction of the regular ecclesiastical officers and courts, but this limita-

[1] *S. P., Dom., Eliz.*, vol. CXLI, nos. 3, 28; vol. LXXIV, no. 37; vol. CVIII, nos. 7, 8; vol. CXIX, no. 60; vol. LXXVII, no. 81; vol. XLVI, nos. 19, 20, 32; vol. XXIII, no. 56; vol. XXVI, nos. 41, 42; Prothero, *Select Statutes*, pp. 241, 240, 237, 235, 232, 150; Gee, *Elizabethan Clergy*, pp. 37–38; Birt, *Elizabethan Settlement*, p. 222.

tion is more seeming than real. The regular jurisdiction of the ecclesiastical courts extended over matrimonial and testamentary cases and offenses such as perjury, sacrilege, heresy, and immorality. The censures they might impose were penitential in their nature, culminating in exclusion from the church — excommunication. Excommunication was followed by the imposition of further punishment, — fine, imprisonment, or death at the hands of the temporal power. By the Acts of Uniformity and Supremacy their jurisdiction was extended, and the censures placed in the hands of ecclesiastical officials were increased in severity. Yet their relation to the temporal power was in general one of subordination, subordination to the temporal courts and to the Crown.

This subordination to the Crown, so far as the orderly system is concerned, is best illustrated by the fact that the highest court of appeal in ecclesiastical cases was a body appointed by the temporal power and largely made up of the laity. In theory ecclesiastical causes passed by a regular system of appeals from the Archdeacons' or Bishops' Courts, to final settlement, so far as the Church had control, in the Archbishop's Court.[1] But when the abolition of papal power made necessary some substitute for appeal from the national ecclesiastical courts to papal ones, Henry VIII had provided [2] that appeals from the Archbishop's Court might be made to the king and be determined by a Royal Commission.[3] Owing to the fact that these commissions were chosen from a regular list kept by the Secretary of Appeal to the Lord Chancellor, it became in a sense a permanent court and thus received the name of High Court of Delegates, although a new commission was appointed for

[1] The Archbishop's Courts were sources of confusion and corruption. *Cf.* Grindal, *Remains*, p. 361, Letter no. lxxxiii.

[2] 25 Henry VIII, c. 19, repealed by 1 and 2 Philip and Mary, c. 8, but revived by the Act of Supremacy.

[3] Brodrick and Freemantle, p. lvii, n. 2, for a case which went through the whole system.

the hearing of each case.[1] During Elizabeth's reign the Court of Delegates was of little importance, for there was one notable exception to the general rule that all ecclesiastical appeals lay to this court. Because the High Commissioners were the Queen's delegates, with authority, by virtue of their commission, finally to hear and determine cases, no appeal lay from their decision to the Court of Delegates,[2] and litigants preferred to have their cases tried by the High Commission rather than by the slower and more involved process of the High Court of Delegates.

The supremacy of the Crown is further marked by the fact that although the High Court of Delegates and the High Commissioners were thus final and definitive courts, it was possible, following the analogy of papal practice, to secure further hearing by petitioning the Queen in Council for a Commission of Review.[3] Since such commissions were not, according to Blackstone,[4] "a matter of right, which the subject may demand, *ex debito justitiæ:* but merely a matter of favour," the power of the sovereign, at a time when subservient commissioners were always available, enabled the Crown to enforce its personal will upon the Church by perfectly legal process.

The dominance of the Crown over the system of ecclesiastical courts was not, however, maintained by its position at the apex of the system alone. Interference and dictation from the Queen and Council extended down the line from the highest to the lowest courts having to do with the ecclesiastical causes and the enforcement of the religious acts passed during Elizabeth's reign, which so closely concerned the political interests and purposes of the government.

[1] Blackstone, *Com.*, vol. II, bk. III, c. V, p. 65; Phillimore, *Ecc. Law*, vol. II, p. 970; W. F. Finlason, *Judicial Committee of the Privy Council*, p. 68; Brodrick and Freemantle, *Collections of Judgments*, p. xlvi.

[2] Brodrick and Freemantle, pp. xliii–xliv.

[3] Phillimore, *Ecc. Law*, vol. II, p. 971; Coke, *4 Inst.*, 341. Example of such commission, Brodrick and Freemantle, p. xlii; *cf.* Justice Williams, *Law of Executors*, vol. I, p. 437 (3d ed.); *Commission for Ecc. Courts* (1832), p. 701.

[4] Blackstone, vol. II, bk. III, c. 5, p. 67.

The chief of these courts, the High Commission, may be regarded as somewhat out of the line of regular ecclesiastical courts, in spite of its use as a final court of appeal, for its most important regular function was the handling of business arising from the enforcement of the statutes passed in Elizabeth's reign, both in an appellate capacity and as a court of original jurisdiction. During the early part of the reign it acted as a sort of committee of the Council for consideration of cases committed to it by the Council,[1] received its orders from the Council, and registered its decisions according to the wishes of that body. Toward the end of the reign, however, it was becoming increasingly a body of ecclesiastical administration. "The commission itselfe was ordained for very good purposes, but it is most horriblie abused by you, and turned cleane contrarie to the ende wherefore it was ordayned."[2] But Cosin wrote in 1593, in defense of its activity, "the device of the Commission Ecclesiasticall was for assistance and ayde of Ordinary Jurisdiction Ecclesiasticall, and for rounder proceeding and more greuious punishment at least (in these dissolute times) more feared: then can or may by Ordinarie Jurisdiction be inflicted."[3] As the Commission was used more extensively for purposes more purely administrative, the Council or Star Chamber attended to religious or ecclesiastical cases which were of political importance. At no time, however, was it free from the control of the Queen and her secular officers. Such control, of course, was natural and intended, since the Commission acted merely as the Queen's representative, yet it was doubtless intended by the acts that the jurisdiction exercised by the commissions was to be such,

[1] *Parker Corresp.*, nos. lvii, lviii, lix, lx, lxii, lxiii, lxx, lxxi, lxxiii; *Privy Council Register* (New Series), xi, 315, 435; xviii, 362; xxiv, 317; xxv, 113, 211, 505; xxvi, 179; xi, 137, 149, 174, 182, 212, 322, 362, 386; vii, 145; xi, 322; xii, 336; xiii, 72; viii, 395; *S. P., Dom., Eliz.*, vol. XLVI, no. 12.

[2] *Marprelate Tracts, Epistle*, conclusion.

[3] Richard Cosin, *Apology of and for Sundry Proceedings by Jurisdiction Ecclesiastical* (1593), pt. I, p. 111. *Cf.* Strype, *Whitgift*, vol. I, p. 267; Calderwood, *History of the Scottish Kirk*, vol. VII, p. 63.

and to be exercised in such way, as was consonant with legal practice in ecclesiastical courts, although in part created free from restraints in order that action might be expedited. The illegality of some of the High Commission's activity during the early part of the reign was made possible by the pressing dangers which threatened and by the subservience to the will of the Queen of its members, who, in other capacities, owed their preferment to their sovereign. The increasing opposition to it by the secular courts toward the end of the reign was due to the greater security of the kingdom and to the fact that the Council and the Council in Star Chamber gradually removed from it business of a religious or ecclesiastical character which concerned the safety of the State; although, on the other hand, the Council and Star Chamber may have been compelled to assume charge of such business because of the legal opposition to the High Commission. The Star Chamber and the Council were not so subject to legal restraints as was the Commission and could deal summarily with cases which the Queen or her advisers felt should be thus handled. The legal powers of the Star Chamber were extensive and its close connection with the Crown gave it power to exercise extra-legal jurisdiction which at a later time the nation resented fiercely. The activity of this court is, however, so intimately connected with the exercise of royal prerogative and a subject of such dispute that we shall defer its consideration until we have occasion to speak of that phase of the Queen's prerogative which partook of the character of administration of justice.

Royal and secular influence upon the regular ecclesiastical courts was hardly less direct and dominant. The Bishop's Court, regularly a consistory court presided over by the official of the bishop, had jurisdiction over all ecclesiastical matters within the limits of the diocese. This official originally held office at the pleasure of the bishop and ceased to exercise jurisdiction upon the removal or death of the bishop

to whom he owed his appointment; but by Elizabeth's time he had become entirely independent of the bishop for his tenure of office. The control of the bishop was preserved, however, by the fact that the bishop might reserve such particular cases as he or the Crown desired for his own hearing.[1] Further the diocesan court was inhibited from exercising jurisdiction during episcopal visitation of the diocese. Appeal lay from the bishop to the Metropolitan Court.[2]

Although interference of the Crown with the courts of the diocese, by means of its influence upon the bishop, was perhaps of little importance in actual practice, the dependence of the bishop upon royalty for place and preferment subjected his episcopal jurisdiction to the constant influence, if not the direction, of the Queen and those who surrounded her. The courts of the bishops and the archbishops were subject to interference by the Queen and Council chiefly by admonition to try cases, or by reproof and punishment of ecclesiastical officials who failed to do their duty, although cases are not lacking in which their officials were ordered by the Council to render particular decisions or punishments in cases that came to the notice of the Council, or ordered to send offenders, already before the ecclesiastical court, up to London for examination by the Council. Such cases were then usually committed by the Lords of the Council to settlement by the High Commission with directions to examine further and report to the Council, or to proceed to such penalty as seemed to them good, or to inflict punishment according to the directions of the Council given with the commitment.

### THE SECULAR COURTS AND THE CHURCH

The justices of peace, to whom were committed certain phases of the enforcement of the religious acts, came most closely in contact with the people and dealt with minor

[1] *Report of the Ecc. Comm.* (1832), pp. 11–12, and for 1883, pp. 25–26.
[2] Phillimore, *Ecc. Law*, vol. II, p. 970.

offenses at first instance. The justices held office and exercised power by virtue of commission from the Crown,[1] and were compelled to take the oath acknowledging the Queen's supremacy besides the regular oath promising uprightness in the discharge of the duties of office. Their jurisdiction over offenses coming under the terms of the religious acts formed the most intimate contact between the people and the superior agents of ecclesiastical and religious control. Cases too difficult, or too serious for settlement in general sessions, were committed to the ecclesiastical commissioners or reported to the Council. Subject as they were to the supervision and the orders of the Council and the Star Chamber, the justices of peace served in many capacities. Because of their humble position and because of the fact that they were not usually trained in legal lore, they came in for a great deal of supervision. Failure of the justices to do their duty, either of office or by conceding that degree of religious conformity and zeal which were regarded as essential, was reported to the Council.[2] The justices of peace were ordered to seize persons whom the Council wished sent to them in London, and they were directed by the Council to enforce the Queen's proclamations. Justices who refused the oath of supremacy were looked after and the loyal ones directed how to proceed in regard to offering the oath to the others. They were sometimes required to determine cases of religious offense without "further troubling the Council of any such matters." The Council sent the justices to examine Papists and directed them where to send the examinations already taken. There is hardly a point at which their activities did not come in for the guidance of the powers above.[3]

[1] Prothero, *Select Statutes*, pp. 144, 147, 149; Crompton, *L'Office et Authorité de Justices de Peace*, p. 3. (ed. 1583); Middlesex County Records, vol. I, p. xxiv (Middlesex County Record Society); Beard, *The Office of Justice of the Peace in England*, New York, 1904.

[2] *S. P., Dom., Eliz.*, vol. XIX, no. 42; vol. XXI, no. 13.

[3] *Ibid.*, vol. VI, no. 29; vol. XVI, no. 49; vol. LX, no. 53; *Acts of Privy Council, passim.*

The placing of the administration of the ecclesiastical law in the hands of justices of peace is not consistent with the conception of the Church as a body having exclusive jurisdiction over spiritual and ecclesiastical questions, but the offenses with which the justices dealt were statutory offenses against the royal power; and their jurisdiction, and the jurisdiction of the other secular courts over such ecclesiastical questions, is entirely consistent with the idea of the Church as one means of securing the sovereign's supremacy over all the subjects of the realm.

The chief points of contact between secular and ecclesiastical courts, however, aside from such statutory relationships as were created by the religious acts are found in the attempts of the secular courts, notably King's Bench and Common Pleas, to preserve the common law from encroachment by the ecclesiastical courts and High Commissioners. Such restraint was most usually exercised by means of prerogative writs.[1]

### IRREGULARITY OF THE SYSTEM

It was characteristic of the time that certain rights, acquired originally by way of grant from the Crown, or possessed by virtue of long custom, were private property. Thus there were a variety of jurisdictions, franchises, and patronages which were treated as private property, and gave the holders the power to hinder in many ways the regular execution of justice and the enforcement of the laws for religious uniformity. In the hands of the Queen were some such rights which she held as private property independent of her sovereignty over the realm, and in such cases she had a more effective means of control than that afforded her by the laws of the kingdom. Various sections of the country, various cities and institutions,[2] were especally favored or

[1] Blackstone, *Com.*, bk. III, c. VII, pp. 108, 111.

[2] The Universities were especially important and very tenacious of their charter rights. *Parker Corresp.*, no. cclxiv, note 3; *S. P., Dom., Eliz.*, vol. XLIX, no. 29; vol. XIX, no. 56.

had, by right of custom, charter, or special grant, exemption from the control of the regular courts to greater or less extent; or were given special local courts to deal with matters which ordinarily fell under the jurisdiction of the regular courts. This characteristic of Tudor times is, in the ecclesiastical courts, exemplified by the "peculiars"; those in the realm of secular judicature may be grouped as the palatinates and lesser franchises.

During papal times, as marks of exceptional favor or for the purpose of curtailing the power of great ecclesiastics, the Papal See had granted to various churches and districts exemption from the jurisdiction of the regular ecclesiastical superior. This irregularity was entirely in line with the prevalence of special franchises and privileges in the secular administration and continued until long after our period. The churches or districts which held such exemptions from the control of the regular ecclesiastical system are called "peculiars." The subject is particularly intricate and irregular, but wherever we find a peculiar court it means that certain extraordinary rights of exemption from local jurisdiction, or rights to exercise an independent jurisdiction out of harmony with the regular system, have been granted as special privileges, just as in feudal society it was usual for large landholders to exercise a franchise jurisdiction which displaced or paralleled the jurisdiction of the king's courts.[1] The Report of the Ecclesiastical Commission of 1832 shows that there were many kinds of these peculiars, archiepiscopal, episcopal, diaconal, prebendal, rectorial, and vicarial. The way in which they curtailed the jurisdiction of the diocesan courts — the privilege was often granted for this purpose — may be seen from a report in the Episcopal Register of the Bishop of London, Grindal, made to the Privy Council in 1563.[2] We learn that out of a total of six hundred and forty-one churches in London, forty-seven were

[1] Holdsworth, *Hist. Eng. Law*, vol. I, p. 370.
[2] Phillemore, *Ecc. Law*, p. 927; Birt, *Elizabethan Settlement*, p. 443.

peculiars, exempt from his jurisdiction. Of these, thirteen, including Bow Church whose dean was judge of the Court of Arches, belonged to the peculiar jurisdiction of the archbishop, but some were exempt both from the jurisdiction of the bishop and of the archbishop. Henry VIII provided that appeals from peculiars, whose privileges exempted them from the jurisdiction of the higher ecclesiastical courts, lay directly to the King in Chancery, the High Court of Delegates. It would be a somewhat profitless study to attempt to determine how far the existence of these peculiars affected the regular and appellate jurisdiction of the Bishops' and Archbishops' Courts, but that they contributed to the intricacy and confusion of the administration of ecclesiastical law is evident.[1]

The palatinates were sections which were in a sense separate from the rest of the country and in which the king's writ did not run. They had a local independence.

> The power and authority of those that had counties Palatine was king-like for they might pardon treasons, murders, felonies, and outlawries thereupon. They might also make justices of eyre, justices of assize, or gaol delivery, and of the peace. And all original and judicial writs, and all manner of indictments of treasons and felony, and the process thereupon was made in the name of the persons having such county Palatine. And in every writ and indictment within any County Palatine it was supposed to be contra pacem of him that had the county Palatine.[2]

They were subject, however, to the acts of Parliament, and, owing to the nature of English government and to the development of royal power, they did not continue an independent development. Their legal system closely followed that of the English system and English common law was applied in their courts. Often the same officer acted as royal judge and judge of the palatinate. Bacon describes the judicial system of the palatinate as "a small model of

[1] Phillemore, *Ecc. Law*, pp. 214, 441; *Parker Corresp.*, no. ccxcvi; Grindal, *Remains*, p. 150, item 11.

[2] Coke, *4 Inst.*, p. 205. *Cf.* G. T. Lapsley, *County Palatine of Durham;* Holdsworth, *Eng. Law*, vol. I, p. 50.

the great government of the kingdom," but the establishment of the Councils of the North and of Wales and the work of Henry VIII extended the control of the Crown and reduced their independence.[1]

The lesser franchises were of varying degrees of importance and gave the holder different degrees of immunity from the interference of the royal officials. Thus, some, like the frankpledge, prevented the sheriff from inquiring into the affairs of the neighborhood, and by this means the nobles were often able to defeat, or delay, the purposes of the Crown by preventing royal officials from carrying out their directions within the liberties.

We have seen that, in the ecclesiastical court system, the final appeal lay to a court dominated by secular interest and directly dependent for its existence and power upon the will of the sovereign. According to the strict system of ecclesiastical court procedure, it would seem that there should be little interference with the ecclesiastical courts until by regular process litigation had brought matters to the point where appeal was made to the Queen for the appointment of Delegates. The strict system was not, however, the real one, and still less was the independent working of the system so complete as it would seem. In fact, the ecclesiastical court system did not exist independently, but was subject to interference from the secular courts, and the Queen, and the Queen's Council at all points. Secular courts had in some cases original jurisdiction concurrent with that of the ecclesiastical courts; the secular courts could by means of the prerogative writs restrain the ecclesiastical courts from hearing or proceeding to judgment. The Queen exercised her authority directly by virtue of her prerogative, and by means of the direct dependence of the ecclesiastical courts upon her for existence and authority, or indirectly through the identical interests of the court officials and the aristocratic class.

[1] 27 H. VIII, c. 24; 32 H. VIII, c. 50; 34 H. VIII, c. 26; 13 Eliz., c. 12. Ely and Durham retained their own jurisdiction, however, until 1835.

The confusion of the system, the inextricable mixture of secular and ecclesiastical power, must certainly be evident. It is possible to take any one phase of the system and make it appear fairly consistent and regular, but the overlappings and cross-currents make the arrangement of the whole scheme a somewhat chaotic one. This was, of course, due in great part to the necessity of meeting emergencies, the habit of using the commission, the undeveloped state of the best established courts and their uncertain relations with one another. The machinery for the enforcement of the law was by its very complexity made inefficient and wasteful of effort for accomplishing the purposes of the government, administering the affairs of the Church, and coördinating the activities of the government and Church.[1] It was a makeshift system, wheels and cogs were added, flexible couplings inserted, power applied to meet temporary or extraordinary emergencies until the least degree of efficiency was dependent upon an arbitrary disregard of machinery and the direct application of royal power to the task in hand. Elizabeth wrote to Parker: —

> If any superior officers shall be found hereto disagreeable, if otherwise your discretion or authority shall not serve to reform them, We will that you shall duly inform us thereof, to the end we may give indelayed order for the same; for we intend to have no dissension or variety grow by suffering of persons which maintain dissension to remain in authority; for so the sovereign authority which we have under Almighty God should be violate and made frustrate, and we might be well thought to bear the sword in vain.[2]

The sovereign did not lack the power, nor did Elizabeth lack the will to use it.

### THE ROYAL PREROGATIVE

The extensive legal powers given by the acts were not interpreted conservatively by the Queen or the men around her. The extent of her rightful prerogative was not defined

[1] *Parker Corresp.*, nos. ccxxxix, cclxxxiii, cccvi, cccviii, cccxvii, cccxxxiv, cccli, ccccliii, App. ii, p. 485; Cheyney, *History of England from the Armada*, vol. I, p. 130.

[2] *Parker Corresp.*, no. clxx.

or limited. The temper of the Queen, the legal machinery which was at her service in accomplishing illegal objects, the political dangers which made men desire to avoid the delays and complexities of legal procedure, united in procuring from the nation assent to proceedings to which, at a later time, it could no longer be induced to submit. The will of the sovereign was absolute within the field where previously delegated agents had not by consent or custom removed power from her hands, and her influence over such delegated agents was so great that in a case of contest, not involving national feeling, she was practically certain of victory.[1] The control by the sovereign, whether directly, or through her Council, may be classified as that which partook of the character of legislation and that which partook of the character of administration of justice.

The extensive control exercised by the Queen personally, by means of letters and proclamations was in part based upon the prerogative right, claimed and generally allowed in Tudor times, that the sovereign could issue edicts having the force of law concerning matters not contrary to the statutes of the realm or the common law; and in part founded upon the act of Parliament which gave the Queen the ecclesiastical supremacy. It would be difficult, and is unnecessary, to attempt to determine upon which of these rights the various acts of Elizabeth were based. Sufficient to know that her letters and proclamations were treated by secular and ecclesiastical officials as having the force of law and that the Council insisted upon the observance of her proclamations as though they were statutory enactments. "... The queen by her royal prerogative has power to provide remedies for the punishment or otherwise of exorbitant offenses as the case and time require, without Parliament," and such proclamations be firm and forcible law and of the like force as the common law or an act of Parliament, declared the Council in Star Chamber.[2]

[1] *S. P., Dom., Eliz.*, vol. XVIII, no. 21; vol. CCVIII, no. 15 and no. 34.
[2] Quoted in Cheyney, *Hist. Eng. from Armada*, vol. I, p. 92.

Of somewhat different character from this power of positive enactment, is the dispensing power exercised by the Queen, although it, too, is based upon the royal prerogative. The dispensing power is a survival of that absolutism which existed at a time when monarchy had not become constitutionally limited. Founded upon a similar basis, also, was the interference of the Queen in the action of Parliament; although it is true that in religious matters the Queen might claim that until her ecclesiastical supremacy had been repealed by the body which established it, if she would admit the power of that body to establish it, Parliament could have no right to exercise any part of the functions involved in the supremacy without her express consent.

It is not difficult to see how the power of legislative enactment was based upon the royal prerogative, but many writers have hesitated or failed to recognize that the same principle is involved when the administration of justice by the Queen and Council is concerned. Because this branch of the royal power was so largely exercised by the Council, which in turn was so closely connected with a court, the Star Chamber, which at a later time was declared illegal, the legal categories of a later period have been applied to this phase of royal activity, and the true situation confused.

That the administration of justice was at one time a fundamental duty of the sovereign is clear from the fact that from this royal obligation arose the whole judicial and court system of England. That the growth of the courts rendered them to a great degree independent of the sovereign, and limited the sovereign in the exercise of his administrative duty, in so far as it concerned the administration of justice, is equally clear from the history of English law. But that in Elizabeth's time this growth of the courts had deprived the sovereign of all, or nearly all, of these functions is an unwarranted assumption and contradicted by the facts. The facts show that to the sovereign still remained a con-

siderable portion of the king's original right and duty to see that justice was administered and enforced. Under the Tudors this right was exercised extensively, and was not confined to matters not cognizable in the established courts, nor to the supervision of these courts, but included jurisdictions concurrent with those of both the secular and the ecclesiastical courts. No one, so far as we know, denies that the Queen or the Council actually attended to matters which it was the regular duty of the established courts to look after, but the foundation of these acts has been often misinterpreted.

Though Finlason attempts to show that the Council never had any "direct judicial power or jurisdiction original or appellate, as to causes arising within the realm," and maintains that the actual exercise of such power was an "abusive and usurped jurisdiction" during the reign of Elizabeth,[1] he admits that it did have the legal right to deal with cases arising in dependencies without the realm — that is, Guernsey, Jersey, and the colonies — by virtue of the "duty of the sovereign to see that justice was administered in all his dominions and to prevent a failure of justice." He admits here, in other words, that the Council was the Queen's representative, in these cases to exercise the royal function of administering justice. And he admits also that such function was still held by the sovereign until a time much later than that which we are considering. But he denies that the function was legally operative in England where royal courts regularly exercised the jurisdiction involved in such royal power. The very fact that the Council did exercise such powers in England refutes his argument, even though it were not for the further fact that it was not until eighty years after our period that the exercise of such powers by the Star Chamber was abolished by act of Parliament, at a time when the royal power was undergoing a violent curtailment. That the restraint of royal power in this direction

[1] Finlason, *Judicial Committee of the Privy Council*, pp. 16, 187, 690.

was one of the greatest benefits conferred by the contest between the Stuart kings and the people, may perhaps be admitted, but that this result of that contest has anything to do with the legality of the royal prerogative during the first years of Elizabeth's reign can be maintained only by imposing on an earlier time the legal conceptions of a period over eighty years subsequent. We must return to what we actually find during the early years of Elizabeth's reign and the only conclusion possible from those facts is that the sovereign did, at this time, exercise, personally or by means of her Council, a control which involved both the right of legislative action and of administration of justice.

It is not necessary for us, perhaps, to distinguish the legal from the illegal, or extra-legal exercise of royal power, since our interest lies in the fact rather than in its basis. By virtue of her prerogative, her legal rights, or extra-legal powers the Queen issued injunctions and orders for the regulation of the Church, prescribed regulations for the press, issued proclamations, maintained a close supervision over her officials ecclesiastical and lay, enforced or created penalties against offenders.[1] The Council, as representative of the Queen or on its own legal authority, handled much of this business without attempting to distinguish carefully upon what authority its action was based. It supervised both secular and ecclesiastical courts, received petitions and appeals, dealt with offenders directly, or gave orders how they should be dealt with by other agents. It is difficult to place any definite limits to their jurisdiction and their activity.[2] Probably none was placed at the time. Whatever came to their attention as requiring correction or guidance,

[1] Sparrow, *Collections*, p. 65; Cardwell, *Documentary Annals*, vol. I, p. 178; Strype, *Parker*, vol. I, p. 442; Strype, *Whitgift*, App. iii, no. xxiv; Prothero, *Select Statutes*, pp. 168–72; Grindal, *Remains*, pp. 404–35; Camden, *Annals*, (1625), bk. III, pp. 14–16.

[2] *S. P., Dom., Eliz.*, vol. III, nos. 52, 54; vol. XI, nos. 16, 25; vol. XXI, no. 7; vol. XXIV, no. 24; vol. XII, no. 13; vol. XVI, nos. 49, 60; *Acts of the Privy Council*, vol. VII, pp. 127, 145; Strype, *Annals*, vol. I, pt. I, p. 139; Cheyney, *History of England from the Armada*, vol. I, p. 80.

they attended to in one way or another, directly or indirectly, and during this period we find no instance of protest against their powers, certainly not from the ecclesiastical officials. On the contrary, Parker's appeal to the Council, "if you lay not your helping hand to it . . . all that is done is but to be laughed at," was by no means rare.[1] The feeling was probably pretty general that the times were not settled, that the new establishment was uncertain and in need of support from all sources; no one cared to question the authority of the body which was so closely connected with the safety of the Queen and with the exercise of her broad and poorly defined prerogative, especially since the actual force which the Council could wield, legally or illegally, made opposition dangerous. To the exercise of royal power and the activity of the Council was due whatever of unity or efficiency there was in the workings of the complex machinery. If it had not been for some overriding or directing force which could solve problems without unnecessary reference to the complex instruments provided by law, the confusion would have been far greater than it actually was.

Strype has preserved for us a somewhat whimsical note, made by an Elizabethan cleric, recording what "every man that

hath cure of souls is infolded by his oath to keep and obey"; I. The sacred canonical word of God. II. The statutes of the realm. III. The queen's majesty's injunctions, and formal letters patent. IV. The letters of the lords of the Privy Council. V. The Metropolitan his injunctions and articles. VI. The articles and mandates of his bishop. VII. The articles and mandates of Mr. Archdeacon. VIII. The mandates of chancellors or commissaries, sompners, receivers, etc. IX. The comptrolment of all men with patience.[2]

The opponents of the bishops expressed their consciousness of restraint with somewhat less patience: —

. . . No preachers may withoute greate danger of the lawes,

[1] *Parker Corresp.*, nos. clxxvi, ccv, ccvi, ccxix.
[2] Strype, *Annals*, vol. I, pt. II, p. 132.

utter all truthe comprised in the book of God. It is so circumscribed and wrapt within the compasse of suche statutes, suche penalties, suche injunctions, suche advertisements, suche articles, suche canons, suche sober caveats, and suche manifolde pamphlets, that in manner it doth but peepe out from behinde the screene. The lawes of the lande, the booke of common prayer, the Queenes Injunctions, the Commissioners advertisements, the bishops late Canons, Lindwoodes Provincials every bishops Articles in his diocese, my Lord of Canterburies sober caveates in his licenses to preachers, and his highe courte of prerogative or grave fatherly faculties, these together, or the worste of them (as some of them be too badde) may not be broken or offended against, but with more daunger than to offende against the Bible.[1]

## THE EFFECTS OF THE UNION OF CHURCH AND STATE

The Queen seems to have believed at first that all that was necessary for the establishment of the Church and the accomplishment of the government's objects, was the passage of the laws and the installation of the officers of the system to do their complex duty. She displayed an angry impatience with her clergy, and charged them with neglect and failure to do their duty when the Establishment failed of itself to accomplish what she desired; [2] yet her own willfulness and greed were as responsible as more fundamental causes in the failure of the ecclesiastical machinery. Parker was moved to protest bitterly that all he could do amounted to nothing unsupported by the Queen, or, what was worse, that he was actually hindered in his work by her perverseness and her willingness to lend her ear to the plaints of the enemies he made in doing her will. "If this ball shall be tossed unto us, and then have no authority by the Queen's Majesty's hand, we will set still." [3] "And where the Queen's Highness will needs have me assay with mine own authority what I can do for order, I trust I shall not be stayed hereafter." [4] He felt that the clergy were

[1] *Puritan Manifestoes, Second Admonition*, p. 91.
[2] *Parker Corresp.*, nos. cvii, clxx, cclxxiii.
[3] *Ibid.*, no. clxxvi.
[4] *Ibid.*, no. ccix; *cf.* also, nos. cxiv, clxxviii, cciii; *S. P., Dom., Eliz.*, vol. clxxv, no. 2.

being used by the Queen to shield herself from the unpopularity which might result from the work she wished done. "The talk, as I am informed, is much increased, and unrestful they be, and I alone they say am in fault. For as for the Queen's Majesty's part, in my expostulation with many of them I signify their disobedience, wherein, because they see the danger they cease to impute it to her Majesty, for they say, but for my calling on, she is indifferent." "If this matter shall be overturned with all these great hopes, etc., I am at a point to be used and abused: *nam scio nos episcopos in hunc usum positos esse.*" [1] Aylmer bluntly said, "I am blamed for not taking upon me a matter wherein she herself would not be seen." [2]

Yet, in spite of hindrances, in spite of the uncertainties of royal temper and the discouragement of the clergy at times, the results desired by the government were obtained. The nation was won to regard for the Anglican Establishment as a patriotic duty, the Church itself preserved from the narrow sectarianism of the Continent. Of the lesser effects of the connection of Church and State upon the spirit of Anglicanism, of the compromise spirit of its standards, and the practical character of its leaders, we shall have occasion to refer in the following chapter.

The union of Church and State was of primary importance in determining the degree of tolerance possible in England during Elizabeth's reign. It is obvious that the political purposes of the government were such as made certain forms of Catholic and Protestant activity equally intolerable. In so far as the desire of the government was to repress such activity, its attitude was by its dominance over the Church forced upon the ecclesiastical establishment. The Church reflected the intolerance of the State. Yet this was of little importance as a factor in the promo-

[1] *Parker Corresp.*, no. clxxix.

[2] Strype, *Aylmer*, p. 77; *cf.* also *Parker Corresp.*, nos. cxiv, cxxvii, clxxviii, cciii.

tion of ecclesiastical intolerance, for moderate and reasonable as was the spirit of the personnel of the Establishment, ecclesiastics, by virtue of their narrow interests and perspective, were more inclined to repress the religious enemies of the government than was the government itself. The policy of the government acted rather as a check than an incentive to intolerance on the part of the ecclesiastical authorities. We find the Church and its officers prevented by their subjection to the will of the secular power from exercising the force which they conceived their position gave them, and which they felt should, from the standpoint of the Church, be exercised. The instruments of the law, however, were not in their control, and their own courts and officials were so restrained at every point by the influence of the Queen, the Council, and the secular officials, that there was little opportunity to display that spirit of compulsion which many of them would have liked to exercise toward both Catholics and Protestants. The moderate and conciliatory policy of the State prevented the development of doctrinal and ecclesiastical bigotry in a Church which, unrestrained, would doubtless have developed both.

In the union of the two, and the consequent mould in which the Church was cast, lay also one of the principal causes for the growth of dissent. The union between State and Church determined the early character of this dissent. Individuals found the restraints imposed upon them too confining, and without daring to break the mould itself, without daring to direct their energies against the fundamental structure of a Church backed by government patronage, sought a greater freedom within the system itself. Thus the vestiarian controversy was significant, not as a protest against the system, but as a protest against one of the small features within the system which it was felt could be safely attacked without coming in conflict with the government. That this controversy later developed into

what amounted to a direct attack upon the particular type of ecclesiastical organization, was due to influences of which we shall speak when we come to deal with the development of dissent.

There is no question that there is in the general lenient policy of the government to let live in comparative peace any who would take the essential vows of loyalty to the Crown, and attend the services of the Church as prescribed by law, an advance in tolerance over the spirit of the time. Government restraint prevented the Church from demanding subscription to a particular set of doctrinal theories, and when subscription to a formula was demanded it was subscription to no such system as that embodied in the Augsburg Confession, but to a somewhat spineless collection of polemic statements, that in only the slightest degree involved religious intolerance.[1] It was the fault of the arrangement which so subjugated the Church to the State, and the temporary character of the advance in tolerance was due to this, that the peculiar form of ecclesiastical organization made it inevitable that once established firmly the organization would no longer be content to be so inclusive and so colorless. The good of the relationship, from the standpoint of the permanent advance of tolerance, lay in the opportunity it gave for dissenting opinion to become powerful enough to resist with strength all later attempts at complete suppression, so that in the end it became necessary to arrange some peaceable method for the existence of varied phases of Christianity side by side.

To carry to its logical consequence the dominance of the Queen over both State and Church, would lead to the conclusion that whatever tolerance or intolerance we discover manifested by either, was based, not on group consciousness and prejudice, but upon the personal will of the sovereign. Undoubtedly Elizabeth's personal prejudices modified profoundly the groups which are for us the only index to

[1] *Cf.* Thirty-nine Articles, Arts. XIX and XXII.

national feeling, but it would be absurd to ascribe an all-powerful influence to the Queen. Intolerance of any importance is always the manifestation of a social attitude of greater or less extent, however great may be the influence of an individual in determining that attitude. In England neither national, religious, nor ecclesiastical unity of feeling had reached a high development, and as intolerance is the outward manifestation of variant groups striving for social cohesion the time was ripe in England for an outburst of religious and political intolerance. Around the person and the throne of Elizabeth centered the development of English national unity, and it is to her glory that her great influence made religion and the Church subservient to that development, and was directed toward the moderation and elimination of religious differences. She made mistakes, she was unwise, but to her, and to a few men around her, is due the fact that the tone of the government in religious matters was more sane and reasonable than the spirit of the men she used to establish and serve in her Church.

## CHAPTER V

## ANGLICANISM

THE men who made up the early Church of Elizabeth were drawn from three parties, those to whom the compromise Church was agreeable because of temperamental or intellectual convictions, Catholics who were loyal and felt that the governmental Establishment was sufficiently right to excuse the outward show of adherence which the government demanded, and the more radical Protestants who were ready to make compromises and concessions for the sake of securing an anti-Roman Church, and perhaps for the sake of securing for themselves the advantages of position and hoped-for power. Naturally those who would now be called the Erastians were most acceptable to the Queen and secured the most important positions. The directing heads were not extremists, not religious enthusiasts. They were reasonable men. They were cautious men. Temperament and the desire to keep their positions made them so. The antiquarian interests of Parker, and his dry-as-dust researches, so far removed from definitely religious views, are characteristic of the men who had the Church in charge at the first of the reign. Parker, Grindal, Sandys, and the rest were eminently practical men in a worldly sense, good men also, but not religious enthusiasts, not unreasonably pious. They were not men fitted to assume a rousing captaincy of militant religion. The government was perhaps not utterly indifferent to religious interest, but primarily fighting for self-preservation; the Church itself was inspired by the same fears as the government and well satisfied with the alliance of the two. The Protestant party also hated the common enemy with a bitter hatred and felt that for the present it could give up

cherished notions in order to present a united front to the foe. Any institution thus founded on the alliance of essentially different ideas in opposition to a common foe, or even in love of a common object, is liable to rupture when the danger disappears or the common object is obtained. Colorless and political as the Church was in the beginning, founded upon compromise, there lay within it the seeds and the causes for the growth of divergent opinions of well-founded character, should the country once become free from external danger.

### THE ESTABLISHMENT AS A COMPROMISE

The desire of the Church to compromise comes out clearly in the standards which it set up, or attempted to set up. Judging from these standards alone, the Church, apart from its obtrusive patriotism, emphasized few aspects of religious conviction. The only legal standard was for years the taking of a purely political oath of loyalty to the Crown by the clerics, and, on the part of the laymen, a purely formal expression of allegiance to the established government by attendance on the Church services. True there was an attempt by the Church to secure the adoption of a standard of belief in 1563, but government policy secured the delay in the necessary enactment of that standard into law until 1571, when the political situation had been so changed by the pronouncements of Papacy that the government was willing to permit the Thirty-nine Articles to be incorporated into the body of ecclesiastical standards. But the Articles are themselves so indefinite in statement, so merely anti-Roman, that they but serve to emphasize further the compromise and political character of the English Establishment. The fact that the Church was established at, and according to, the dictates of government policy resulted in a Church that was a compromise. It was not simply a compromise between Catholicism and Protestantism, but, more important still, it was a compromise with itself. It was a conscious

attempt to abstain from making definite statements of its own position and justification of its position as a compromise Church.

> You may see how he [Jewel] would mingle policy and religion together. Surely he is wise and a good servant in this time.[1] And where the Queen's Highness doth note me to be too soft and easy, I think divers of my brethren will rather note me, if they were asked, too sharp and too earnest in moderation, which towards them I have used, and will still do, till mediocrity shall be received amongst us.[2]

We find the clergy taking pride in its "mediocrity," although there could be little defense of the Church from that standpoint.[3] This was a condition which was bound to vanish as soon as the dangers from foreign aggression disappeared and the Church had acquired the sanction of age. At first, however, the only clear thing about its position was that it was not papal and that it was English, things, which, in themselves, do not define a Church any more than they define industrial or philosophical systems. That the Church finally escaped from colorless compromise, and has, in general, become a deliberately tolerant and inclusive body, was due to the men who directed its affairs in later years, to the struggle with enthusiasts through which it passed, to the essentially patriotic and national stamp placed upon it in the beginning.

Yet the Church established by the government, Erastian in form and conception, would have failed to become the great Church we know, it could not have played the rôle it has in the development of England, it could not have held the allegiance of Englishmen, had it not been something greater than a tool of secular politics. In the face of sincere religious feeling, before the enthusiasm of Puritan earnest-

[1] *Parker Corresp.*, no. cxvi; *cf.* no. clxiv.
[2] *Ibid.*, no. cxxvii; *cf.* Strype, *Parker*, bk. I, p. 126.
[3] J. H. Newman's early defense of the *via media* would have been impossible for one who lived in Elizabeth's day and adhered to the Establishment during her first years of rule.

ness and inexorable piety, it would have failed even to serve the political purpose for which it was created, it could not have continued its life and remained for centuries the Church to which Englishmen have given their allegiance, had it not been from the first something more than Erastian, something more than expedient. It was religious. During the time when its officers and its polity were most subservient to governmental dictation, the English Church had, and was conscious of the fact that it had, a function other than that of serving merely as a cog in the governmental machinery. Yet the connection between Church and State, the essential subordination of ecclesiastical to secular policy, was during Elizabeth's reign never repudiated by the Established Church; and the development of its religious life, as well as the development of ecclesiastical and doctrinal theory, was necessarily limited by that relationship. Opponents charged that "common experience dothe prove, that they doe for the most parte apply them selves to the time and seeke rather to please and followe worldly pollicie, then sincerely to promote Gods cause, and to publish his truth." [1]

## FORMULATION OF DOCTRINAL STANDARDS

The moderate and conciliatory purposes of secular politics made the formulation of an independent ecclesiastical or doctrinal apologetic a delicate task. Any theory of the ecclesiastical Establishment which too vigorously condemned Catholicism would defeat the desire of the government to procure the allegiance of Catholics, and would not be permitted. Any theory which antagonized the Continental reformers would be equally distasteful to the government. In doctrine and in religion, therefore, we find little development during Elizabeth's reign over what had existed from the first, largely because of the restraints placed upon such development by royal taste and policy. By

[1] *Puritan Manifestoes, Second Admonition*, p. 89. *Cf.* Burrage, *English Dissenters*, vol. II, p. 98.

the acts of Parliament which erected the Elizabethan Establishment, there was, appropriately enough, considering the secular character of the parliamentary bodies, little emphasis placed upon the doctrinal features of the new Church. In the Act of Uniformity we find a limitation placed upon doctrinal formulation, in entire accord with the historical grounds upon which the repudiation of papal claims had been made, and entirely in harmony with the essentially political interest of the act establishing the form of ecclesiastical service and government. The Apostles' and Athanasian Creeds, the pronouncements of the first four General Councils, and the Scriptures, are to serve as the standards upon which charges of heresy are to be based. These are indefinite standards, the interpretation of which may vary with changed conditions of thought and government; nor can they be regarded as furnishing a proper doctrinal statement of the position of the English Church; they are rather the traditional inheritance of all Christians, Catholic as well as Protestant, and are in no way distinctive or to be ranked in the same class with the doctrinal formularies of the Continental Reformed and Lutheran Churches.

The first real attempt to give to the Establishment a definite statement of its doctrinal and ecclesiastical belief, was that of the Convocation of 1563 when it passed the Thirty-nine Articles. A detailed history of the Articles, or an analysis of their contents even, would be out of place here, and would require a treatment far beyond the limits of this study. Essentially they were the Forty-two Articles of Edward VI, modified in the spirit of compromise. They were essentially polemic, in so far as ecclesiastical theory is concerned, and conciliatory in regard to doctrine. "The papists mislike of the book of common prayers for nothing else, but because it swerveth from their mass-book, and is not in all points like unto it. And these men mislike it for nothing else, but that it hath too much likelihood unto it," [1]

[1] Whitgift, *Works*, vol. I, p. 120. *Cf.* also, *Zurich Letters*, nos. cix, cxii, cxx.

wrote Whitgift, and the same might have been said of the Articles. They so far fail to embody what came to be distinctively Anglican that a later English ecclesiastic could say of them that they "are no more part of the Church of England than the limpet which clings to the rock is the rock itself." [1] Doctrinally there is nothing in them which could not, by judicious interpretation, be accepted by any Protestant, or even by any Catholic. Yet so great was the Queen's aversion to definite statement of the position of the Church, apart from its Erastianism, or so anxious her concern that the way be left open for any move which the future political situation might make necessary, that even this seemed dangerous and she refused the royal signature necessary to give the Articles authoritative position. It was not until nine years later,[2] when all hope of reconcilation with the Papacy was past, at a time when it might be supposed that the Church could afford to take a more decisive stand than in 1563, that the Articles received Parliamentary sanction and the assent of the Queen; [3] and then in a form whose interpretation, in so far as the ecclesiastical features were concerned, was debatable.

The catechism, in both the longer and shorter forms prepared by Nowell, similarly avoided debatable doctrinal statements and never received governmental sanction. The Church, for the most part, gave the government hearty support in repressing doctrinal discussion. The homilies were prepared for this purpose, as well as for supplying homiletic material for use by those incapable of preparing their own sermons. Elizabeth and Cecil discouraged such doctrinal debates as Parker and Jewel and the early prelates were inclined to enter upon, and so great were the restraints imposed upon the clergy that many of them

[1] Hook, *Lives of the Archbishops, Parker*, p. 353. *Cf.* Child, *Church and State*, p. 196.

[2] *Parker Corresp.*, nos. ccxxiv, ccxxv; *S. P., Dom., Eliz.*, vol. XLI, no. 43; D'Ewes, *Journals*, pp. 132, 133.

[3] 13 Eliz., c. 2.

thought caution was being carried too far. "To be prescribed in preaching, to have no matter in controversy in religion spoken of, is thought far unreasonable, specially seeing so many adversaries as by their books plentifully had in the court from beyond the sea, do impugn the verity of our religion." [1] "What can I hope, when injunctions are laid upon those appointed to preach, not to handle vice with too much severity; when the preachers are deemed intolerable, if they say anything that is displeasing?" [2]

When Whitgift, in his zeal for the doctrines of Calvinism and for the suppression of dissent, endeavored to impose the Calvinistic Lambeth Articles upon the Church, the Queen, through Cecil, promptly quashed both the attempt to give Anglican doctrine a Calvinistic stamp, and the seeming assertion of archiepiscopal authority in the realm of religious dogma.

### THE SPIRITUAL LIFE OF THE CHURCH

Quite apart from any ecclesiastical theory or formulation of doctrine, however, the Church looked upon itself as the opponent of Roman Catholicism. This, of course, was in part due to the trend of secular politics in opposition to Rome, but the presence within the Church of influential and sincere men whose political fear of the menace of Rome was equaled by their moral and religious horror of the abuses within that Church, gave to this opposition a strength and determination which no mere loyalty to the Crown could have done. In England, as on the Continent, the purely secular motives of opposition to the papal and ecclesiastical control enabled those whose religious or moral motives led them to protest against abuses which shocked and repulsed them, to express their opinions and to resist suppression. In England, as on the Continent also, the secular revolt, however, would have been immensely more

[1] *Parker Corresp.*, no. clxxv, Parker to Cecil.
[2] *Zurich Letters*, no. xxxix, Sampson to Martyr.

complicated and have resulted in more distress and instability than was actually the case, had it not been for idealistic notions of religion and the Church which afforded the necessary emotional grounds of opposition.[1] Following the usual habit of men the English Church and its leaders found at hand the material for the construction of an ecclesiastical theory which allowed full play for their emotional condemnation of Roman Catholicism, but the emotional rather than the intellectual motive, determined the spirit and attitude of the Church.

A superficial reading of the writings of the time would lead one to believe that the only possible concern felt for the souls of Englishmen was lest they be damned through adherence to Romanism, and that the ecclesiastics believed Rome the only religious danger which the Church had to combat. Yet there were not lacking within the Church men who felt that, independently of ecclesiastical or doctrinal theory, independently of opposition to Rome even, the Church had laid upon it the duty of proclaiming the gospel of God's forgiving love to common men. The controversial character of the period is, of course, much more patent than this idealistic concern for the souls of men, and it often concealed the religious earnestness which really existed. The pressing political aggression of the Papacy gave to the age an essentially controversial stamp and many causes combined to prevent the development of Anglican religious spirit.

Within the Church were men more concerned over the dignity and remuneration of clerical office than about the spiritual duties connected therewith.[2] Earnest and trained men to take the lower, more intimate pastoral offices were

[1] Fox's Martyrology, probably the most widely known of Elizabethan religious productions, was little more than an emotional campaign document intended to arouse the feeling of the English against Roman Catholicism.

[2] Strype, *Annals*, vol. II, pt. I, pp. 331, 463, 467; Strype, *Aylmer*, p. 169; Froude, *History of England*, vol. XII, pp. 4–7, 543; Dixon, *History of the Church*, vol. V, p. 23; *Parker Corresp.*, no. ccxxxiv; Usher, *Reconstruction*, vol. I, pp. 209–11; Pierce, *Introd. to Marprelate Tracts*, pp. 101 *et seq.*

lacking. Ignorant and illiterate artisans were, of necessity, employed to perform the services. Parker admitted the fact.

. . . We and you both, for tolerable supply thereof, have heretofore admitted unto the ministry sundry artificers and others, not traded and brought up in learning, and, as it happened in a multitude, some that were of base occupations.[1]

There was truth in the charge made, that

the bishops have made priests of the basest of the people, not only for their occupations and trades whence they have taken them as shoemakers, barbers, tailors, waterbearers, shepherds, and horse keepers, but also for their want of good learning and honesty.[2]

Sandys wrote: —

The disease spreadeth for patrons gape for gain, and hungry fellows utterly destitute of all good learning and godly zeal, yea scarcely clothed with common honesty, having money, find ready entrance to the Church.[3]

The greed of patrons enabled the unfit to secure places. Bishop Cooper could write truthfully: —

As for the corruption in bestowing other meaner livings, the chief fault thereof is in patrons themselves. For it is the usual manner of the most part of these (I speak of too good experience) though they may have good store of able men in the Universities, yet if an ambitious or greedy minister come not unto them to sue for the benefice, if there be an insufficient man or a corrupt person within two shires of them, whom they think they can draw to any composition for their own benefit, they will by one means or other find him out, and if the bishop shall make courtesy to admit him, some such shift shall be found by the law, either by *Quare impedit* or otherwise, that whether the bishop will or no, he shall be shifted into the benefice. I know some bishops unto whom such suits against the patrons have been more chargeable in one year, than they have gained by all the benefices they have

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[1] *Parker Corresp.*, no. lxxxvi.

[2] *Supplication of Puritan Ministers to Parliament in 1586*, quoted in Neal, vol. I, p. 317. *Cf.* also *Parker Corresp.*, nos. ccxi, ccxxxix, cclxxxii; Jewel, *Works*, vol. II, p. 1012; vol. IV, pp. 909, 873; *Zurich Letters*, no. lvi; Strype, *Whitgift*, vol. I, pp. 328–30; Grindal, *Remains*, p. 130; Whitgift, *Works*, vol. I, p. 316.

[3] Quoted in Hunt, *Relig. Thought*, vol. I, p. 77.

bestowed since they were bishops, or I think will do while they be bishops.[1]

Political caution enabled disloyal parish priests who had served under the Catholic régime to retain their livings, much to the discouragement of the ecclesiastical officials.

This Machiavel government is strange to me, for it bringeth forth strange fruits. As soon is the papist favoured as is the true Protestant. And yet forsooth my levity doth mar all. When the true subject is not regarded but overthwarted, when the rebel is borne with, a good commonwealth, *scilicet.* When the faithful subject and officer hath spent his wit to search, to find, to indict, to arraign, and to condemn, yet must they be kept still for a fair day to cut our own throats.[2]

All of these conditions combined to give to the lower clergy, and too often to the higher also, a character little provocative of spiritual life in the Church. A great part of the nation was dead to the emotions that give religion vitality. Ideas of morality were loose among both clergy and laity; [3] ministerial office, of the lesser kind at least, carried with it no guarantee or expectation of respectability.[4] There was little hope of immediate or rapid improvement. The changing value of money, due to the increased supply of gold from the New World, the changed agricultural and commercial conditions, so reduced the already insufficient remuneration of clerical office, that only the inefficient and untrained were attracted to the ministry in its more humble aspects. "For what man of reason will think that eight pounds yearly is able to maintain a learned divine? When as every scull in a kitchen and groom in a stable is better provided for?" [5]

[1] Cooper, *Admonition*, p. 147, quoted in Hooker, *Ecc. Pol.*, vol. II, bk. VII, chap. XXIV, sec. 7, note 87. *Cf.* Hooker, *Ecc. Pol.*, vol. II, bk. VII, chap. XXIV, sec. 7, p. 210.

[2] *Parker Corresp.*, no. ccxcvii. *Cf.* also Usher, *Reconstruction*, vol. I, pp. 35, 110, 111; *S. P., Dom., Eliz.*, vol. IX, no. 71; Whitgift, *Works*, vol. I, p. 313.

[3] Hall, *Elizabethan Age*, chap. VII, "The Courtier"; App., pp. 242–50.

[4] *Cf.* Spenser, *Shepheard's Calendar* and *Mother Hubbard's Tale; Parker Corresp.*, no. cc.

[5] Strype, *Whitgift*, vol. I, p. 534. *Cf.* also *ibid.*, vol. III, p. 174; Usher, *Recon-*

The Queen did not like the idea of religious zeal, she could not understand the stern and unyielding religious convictions of either Catholic or Protestant. She feared the effects of both. The growth within the Church of any great enthusiasm for any kind of religious belief seemed to her dangerous. She dreaded the effects upon the people of popular and soul-stirring preachers. She preferred that the Church slumber a little. When Grindal, one of the most sincere of the clergy and most deeply imbued with the spirit of piety, attempted to regulate the prophesyings in the interests of an educated ministry, she absolutely commanded him to put them down. He refused. His unwillingness to allow the political fears, or personal dislike of the Queen, to interfere with what he regarded as his spiritual duty,[1] stirred the Queen to wrath and she promptly suspended him from the exercise of his office of Archbishop of Canterbury. When one whom she personally had held in high regard, one of such eminence in the organization which she had built up, was thus suppressed for attempting to encourage a purely spiritual exercise, it was not likely that less favored persons and less eminent ones would meet with much consideration at her hands. The growth of any considerable body within the Church which attempted to place in the forefront the belief that the Church was the repository of God's truth, and had, as such, a duty transcending its duty of obedience to the commands of royalty, could not exist during Elizabeth's reign.

In so far as Protestantism asserted the power and necessity of direct communion between man and his God, the pressure upon the corporate Church to regard itself as responsible for the individual was lightened, and, upon reli-

*struction*, vol. I, pp. 219–39; Collier., *Ecc. Hist.*, vol. II, App., p. 104; Hooker, *Ecc. Pol.*, bk. VII, chap. XXIV; Wilkins, *Concilia*, vol. IV, p. 283; E. F. Gay, *Royal Historical Society's Transactions* (New Series), vol. XIV, pp. 258–62.

[1] Strype, *Grindal*, pp. 327, 328, App., p. 558; Grindal, *Remains*, pp. 373, 374, 376–90, 467, 468, Letters, nos. xc–xcix, App., nos. ii, iii; Prothero, *Select Statutes*, pp. 202–06; *S. P., Dom., Eliz.*, vol. XLI, no. 44; Strype, *Annals*, vol. II, pt. II, App., nos. viii, ix; vol. II, pt. I, App., nos. xxiii, xxxviii, xxxix.

gious grounds, the demand of the Church that the individual submit his soul to the Church lost force. Anglicanism was under the necessity of securing universal allegiance because the political situation demanded the adherence of all Englishmen to the State Church; this need, and the influence of the Protestant idea of individual capability and responsibility in the sphere of religion, weakened ecclesiastical insistence upon, and concern for, the salvation of men. Nevertheless, imbued as were many of its clergy with the moral and religious ideas and feelings of a Protestantism kept sane by governmental regulation and cool-headedness, it was inevitable that they should have the spiritual welfare of their charges thrust upon their consciousness. We find them striving constantly to raise the standards, morally and educationally, of both clergy and people. But with the death of the clerics who survived from the reign of Mary, and with the dying-out of such men as Parker, Jewel, Sandys, and Grindal, when Whitgift and Bancroft, with their talent for organization, took the places of the first clerics, the Church was absorbed in the conflict with Presbyterianism and with religiously earnest dissent; there were difficulties in the way of the cultivation of the religious life of the Church. Yet many men had been by that time educated under the Elizabethan Church,[1] and perhaps there was as much moral earnestness and truly religious propaganda as exists in any Church when men are busy with concerns more immediate and practical than the salvation of their souls. Religious enthusiasm sometimes serves as a substitute for other intellectual and emotional excitement, but seldom makes much headway at a time so crowded with political, literary, and commercial interest as was the reign of Elizabeth. During Elizabeth's reign the consciousness in the Anglican Church of its function as God's messenger of salvation never developed into any great spiritual or religious movement. There was too much need for the establishment of the

[1] At Cambridge in 1568, 28 men proceeded B.A.; in 1583, 277.

machinery of the Church, too great necessity for caution in every pronouncement upon religious questions; there was not, in the stress of papal controversy, time for the development of non-controversial religious earnestness. The Church was, as was the rest of the nation, religiously quiescent, until stirred into life by the agitation of a group of emotionally religious men whose convictions, borrowed or adapted from Continental Protestantism, brought them into conflict with the constituted church authorities and the government.

### FORMULATION OF ECCLESIASTICAL THEORY

Justification of the Establishment as an organization was an immediate need, more pressing than the formulation of its doctrinal theory or the development of its religious life. The formulation of an ecclesiastical theory for the Church was, of necessity, one of the first considerations of the men who took office in the new Establishment. Obviously the real political motives behind the organization of the Church, the bare assertion of the Erastian principle, could not serve as adequate apology for the Church in the minds of many Englishmen, nor could it serve as a defense against the attacks of its enemies.

The historical claims of Henry, reiterated by the Elizabethan religious acts, served as the basis for the development of a theory of the Church such as was required. Historically, the preface to Elizabeth's Act of Supremacy asserted, the jurisdiction of the Papacy in England was a usurped and abused jurisdiction. The Act of Uniformity asserted that the doctrinal standards of the Church were primitive, pre-Roman. Thus the language of the acts indicates the justification of the Church which was in the minds of the leaders in the separation movement. That the Elizabethan Church should continue the development of the ecclesiastical apologetic chosen by Henry was natural. It gave to the Church of Elizabeth a direct connection with

the Church of her father under which most of her subjects had been born. It was a return, beyond the unpopular reign of Mary, to the golden times of her predecessors. The justification of the Establishment upon historical grounds was also entirely in line with the attempts of the Continent to find historical basis for their separation from the Church of Rome. Englishmen who during Mary's reign had retired into private life or fled to the Continent, men like Jewel and Parker, had imbibed their ideas from the separatist apologists of Henry's and Edward's reigns; those who spent their time on the Continent had used the opportunity for association with Continental reformers, to perfect their studies in primitive church history; a study based, it is true, upon uncritical use of the sources, but nevertheless adequate for their purposes in spite of the Catholic charge, "Your own opinion is the rule to esteeme them or despise them." [1] Parker the Archbishop was an antiquarian. His interests and his tastes combined to make agreeable the defense upon historical grounds of the Church of which he was the head. Jewel, the first apologist of the English Church, was an omnivorous student who sought and found, in his study of the primitive fathers, abundant authority for the Establishment. Nowhere is the essential unity of thought upon the Continent and in England shown more strikingly than in the importance given to historical investigation of the first four centuries of Christianity.

The historical apologetic had for its fundamental article the idea emphasized by the preface to the Act of Supremacy, the idea that the jurisdiction of the Papacy historically did not reach back to the beginnings of Christianity.[2] The primitive Church knew no such papal power; it contemplated no such hierarchy and universal dominion as was maintained by the Romans. A natural corollary to this

[1] Jewel, *Works*, vol. III, p. 176.

[2] *Ibid.*, pp. 192, 233, 267; vol. II, pp. 106, 85; vol. IV, pp. 1062–68, 1072; vol. I, pp. 338, 444, 3–25; *Parker Corresp.*, no. lxxvii.

fundamental rejection upon historical grounds, of papal claims, was the rejection also of many of the rites and ceremonies and observances of the Roman Catholic Church. Extreme unction, administration of the sacrament in one kind only, the excessive use of saints' days, were rejected, practically, because of the objections of the extremer Protestants; theoretically, because no authority was found for their use in primitive times. "As for us, we have planted no new religion, but only have renewed the old, that was undoubtedly founded and used by the apostles of Christ, and other holy fathers in the primitive church, and of this long late time, by means of the multitude of your traditions and vanities, hath been drowned."[1] Yet the association of the Church with the government in the particularly close relations which conciliatory politics made necessary, prevented the maintenance of primitive practice as the exclusive touchstone for organization and ceremony in the English Church.[2] The subservience of the Church to the will of the Queen made necessary the retention of ceremonies and forms of organization whose persistence in the English Establishment would have been hard to justify on the grounds of apostolic precedent. A theory permitting a more liberal practice than that laid down even by liberal interpretation of the primitive history of the Christian Church was necessary. In essence, the basis for this theory, so far as it had a Scriptural basis, was Paul's command to render obedience unto superior powers. The leaders of the Church also showed a common sense in their recognition of historical development and change in external ecclesiastical organization hardly to be expected in the sixteenth century. No doubt their contention that the form of the organization and the ceremonies to be used in the Church were to be

[1] Jewel, *Works*, vol. IV, pp. 777, 1123. The economic argument that such profusion of saints' days interfered with labor was advanced, but during the first years of Elizabeth's rule received little emphasis. It was a favorite argument with the Presbyterians.

[2] *Ibid.*, vol. I, pp. 65, 75; vol. III, p. 177.

determined by the needs of time and place, was inspired in great part by the necessity of finding a justification for certain features of the English Establishment which could not be defended upon purely historical grounds, but that this defense took the general ground of reasonableness, rather than some more narrow ground, such as the divine character of the kingship, was due, in some cases at least, to a truly liberal realization of the fact rather than to polemic difficulties.[1]

Practical common sense and practical needs produced this liberal sense of historical development. There was in this position room for the necessary Erastianism of the Church and no difficulty to reconcile with the acts of Parliament and the headship of the Queen. The contention that the external form of ecclesiastical establishment was a matter of indifference and might, therefore, be changed and accommodated to the needs of different peoples at different times, served in a measure to blunt the reproaches of the Catholics that Elizabeth's Church existed merely by virtue of secular, that is, Parliamentary, enactment. To this charge the reply was not a direct denial, but a countercharge that Parliament had always debated concerning ecclesiastical changes and that under Mary the Catholics had a "Parliament faith, a Parliament mass, and a Parliament Pope." [2] The refusal to claim for the English Establishment any particular sanctity, or divinely given plan, enabled the Church to avoid condemning Continental Protestantism and permitted the most cordial relations with the most important forms of anti-Romanism. At the same time, Parker's claim that the English Church was the truly Catholic Church was given its full force in reconciling those Catholics who could be brought to renounce the ecclesias-

[1] *Cf.* the rather amusing instance, "In the Apostles' times that was harmless, which being now revived would be scandalous; as their *oscula sancta*." Hooker, *Ecc. Pol., Pref.*, chap. IV, sec. 4, p. 137.

[2] Jewel, *Works*, vol. IV, p. 904. *Cf. ibid.*, vol. IV, pp. 903, 898, 902, 264, 166, 906; Whitgift, *Works*, vol. I, p. 185; Hooker, *Ecc. Pol.*, bk. VIII, chap. VI.

tical headship of the Pope. Hardly less important was the fact that, with such a theory for the basis of an ecclesiastical structure, there was not inevitably bound the acceptance of any set of semi-religious ecclesiastical dogma. And finally, such a basis gave encouragement to a great number of radical Protestants to believe that entire freedom was left to the Church to develop an organization and a service more in accord with their extreme ideas than was the Establishment already erected. This particularly was true as regards the ceremonies of the Church, and led directly to the attacks made upon the vestments and certain other ceremonies which Parker was hard put to it to defend upon the grounds of expediency.

We have indicated how few were the steps taken in the doctrinal and religious development of the Established Church during the reign of Elizabeth, and have shown some of the causes which prevented further growth in those lines. The same causes were, for the most part, operative in preventing development of ecclesiastical theory also, but there was, nevertheless, a tendency here toward the formation of a particular system. The development of ecclesiastical theory is most important for the theory of intolerance in Elizabeth's reign, for, contrary to the accepted belief, it is in the realm of ecclesiastical, rather than purely religious, divergence, that the greatest field for intolerance lies. The emotional reactions which lead to intolerance may be developed from any kind of divergence in views, even those which often seem the most immaterial are capable of producing as strong reactions as those bearing directly on daily life. But where belief is the foundation of social institutions it is most likely to secure the defense of lasting intolerance. It is the necessity for defense of the social organization for religious purposes, rather than the necessity for the defense of a particular type of strictly religious dogma, that affords the greatest occasion for a display of intolerance. The dogma which the organization has made official may serve

as the charge on which intolerance manifests itself, but the supposed danger to the organization implied in the rejection of the dogma of the organization, inspires the charges. Nothing illustrates this more strikingly than the latitude allowed to scholars by the Catholic Church in their speculations, so long as they did not so express or publish their private opinions as to threaten the safety of the hierarchy. In England the differences between dissenting Protestant groups and the Establishment, which caused the greatest friction, were differences of organization and ceremony rather than those of religion. The political connection between the Church and State accentuated the danger in every dissenting tendency which attacked the form of the religious social system established by the secular government. It was not the political danger to the monarchy, but the ecclesiastical danger to the Establishment which led to the development of ecclesiastical theory in the English Establishment. It was in opposition to hostile championship of the Presbyterian form of ecclesiastical organization that the most important tendency to development of a new Anglican ecclesiastical theory arose. This tendency was toward the development of the dogma of the apostolic succession of the bishops.[1]

The immediate sources of the idea of the apostolic succession in England are difficult to determine, primarily because the development in Elizabeth's reign did not become a clear and consistent championship of the theory. The dignity of episcopal, as opposed to the claims of papal, power was an old subject of controversy, and it was but natural that it should assert itself in the English Church, whose foundation was opposition to the Papacy and whose episcopal administration was a survival from the old Church. The substitution by Henry of his own authority for that of the Pope, and the very personal exercise of that power by him, were not conducive to the development of an independent episcopal theory. Barlow, Bishop of St. Asaph's, said:—

If the King's grace being supreme head of the Church of England, did choose, denominate, and elect any layman (being learned) to be a bishop, that be so chosen (without mention being made of any orders) should be as good a bishop as he is or the best in England.[1]

Cranmer said he valued his episcopal title no more than he did "the paring of an apple," and that "there is no more promise of God that grace is given in the committing of the ecclesiastical office than it is in the committing of the civil office."[2] An ambiguous statement in the ordinal of Edward VI suggests, but does not assert, the necessity for episcopal ordination, and practice during his reign destroys whatever force might be given to this seeming assertion of episcopal dignity. Jewel, at the beginning of Elizabeth's reign, confused the question of an apostolic episcopal succession with the succession of apostolic doctrine in the Church. He refused to be definite, and certainly no apostolic succession of bishops was asserted as essential. He implies that it was not. "If it were certain that the religion and truth of God passeth evermore orderly by succession and none otherwise, then were succession a very good substantial argument of the truth."[3] The attempt of Whitgift to call in question the validity of Travers's Continental ordination, and the appeals made to the case of Whittingham,[4] which concerned the same question, indicate a tendency to interpret the act, "that ministers be of sound doctrine," as excluding all who had not been ordained according to the legal forms of the Anglican Church, which, of course, required episcopal participation.

The act itself states that

Every person under the degree of a bishop, which doth or shall

[1] Quoted in J. Gregory, *Puritanism*, p. 50.

[2] Cranmer, *Works* (Jenkins ed.), vol. II, p. 102. *Cf.* Cranmer, *Remains and Letters*, p. 305.

[3] Jewel, *Works*, vol. III, p. 322. *Cf.* also *ibid.*, vol. III, pp. 103, 104, 106, 309–10.

[4] *Cf.* Maitland, *Essays*, "Puritan Politics," no. ii, pp. 77–98; Strype, *Annals*, vol. II, pt. II, App., no. xiii; Strype, *Parker*, 156, App., nos. xxvii, xlvii.

pretend to be a priest or minister of God's holy word and sacraments, by reason of any other form of institution, consecration, or ordering than the form set forth by Parliament in the time of the late king Edward VI or now used; shall in the presence of the bishop or guardian of the spiritualities of some one diocese where he hath or shall have ecclesiastical living, declare his assent and subscribe to all the articles of religion, which only concern the confession of the true Christian faith and the doctrine of the sacraments.[1]

The generally accepted opinion, confirmed by practice, was that the act admitted of Presbyterian ordination.[2] Whitgift's opponents, and some of his friends, interpreted his attack as an expedient and illegal glorification of the episcopal office.

. . . Let our aduersaryes looke unto yt how they account of the refourmed Churches abroad seing they have denyed such to be suffycyent and lawfull Ministers of the Ghospell of Christ, who have bene of those Churches allowed and ordayned thereunto.[3]

But there is little indication here of a theory of apostolic episcopal succession. Whitgift undoubtedly desired a more independent and autocratic episcopal authority, but the most superficial thought discovered the obvious antagonism of the theory of a divinely ordained episcopal ministry, to that subservience to the political dominance which was the essential characteristic of the Elizabethan foundation.

Dr. Hammond wrote to Burghley in 1588: —

The bishops of our realm do not (so far as I ever yet heard), nor may not, claim to themselves any other authority than is given them by the statute of the 25th of King Henry the Eighth, recited in the first year of Her Majesty's reign, or by other statutes of the land; neither is it reasonable they should make other claims, for if it had pleased Her Majesty with the wisdom of the realm, to have used no bishops at all, we could not have complained justly of any defect in our church: or if it had liked them to limit the authority of bishops to shorter terms, they might not

[1] 13 Eliz., c. 12.

[2] Strype, *Grindal*, bk. VI, chap. XIII; Cosin, *Works*, vol. IV, pp. 403–07, 449–50; Bacon, quoted, p. 147.

[3] Penry's *Answer to Fifteen Slanderous Articles*, Burrage, *Eng. Dissenters*, vol. II, p. 67. *Cf.* also, Travers's *Supplication*, in Hooker, *Works*, vol. II, p. 331.

have said they had any wrong. But sith it hath pleased Her Majesty to use the ministry of bishops, and to assign them this authority, it must be to me, that am a subject, as God's ordinance, and therefore to be obeyed according to St. Paul's rule.[1]

A theory of divine right episcopacy implies an independence and freedom of action for ecclesiastical officials far beyond that contemplated by the ecclesiastical or secular founders of the system, and Elizabeth could admit no such theory, whatever its polemic advantages against Catholics or dissentient Protestants. Whitgift and the others, on whom is usually laid the charge of having introduced the idea, made statements and used arguments which may be interpreted as tending toward some such doctrine, but fear of the consequences led them to disclaim hastily and emphatically that they held such opinions. Bishop Cooper said: —

> That our Bishops and ministers do not challenge to holde by succession, it is most evident: their whole doctrine and preaching is contrary.[2]

Whitgift goes to great lengths in his denials: —

> If it had pleased her majesty with the wisdom of the realm, to have used no bishops at all, we could not have complained justly of any defect in our church.[3] If it had pleased her Majesty to have assigned the imposition of hands to the deans of every cathedral church, or some other numbers of ministers, which in no sort were bishops, but as they be pastors, there had been no wrong done to their persons that I can conceive.[4]

Bancroft, in the sermon in which it is claimed he suggested the divine character of bishops, proclaimed that to the Queen belonged "all the authority and jurisdiction which by usurpation at any time did appertain to the Pope."[5]

[1] Quoted in Child, *Church and State*, p. 293. *Cf.* Lee, *Elizabethan Church*, vol. II, p. 124. [2] Cooper, *Admonition* (Arber ed.), p. 137.

[3] Quoted in Hunt, *Religious Thought*, vol. III, p. 298; Strype, *Whitgift*, App., no. xlii, Whitgift to Sir Francis Knollys.

[4] Strype, *Whitgift*, vol. III, pp. 222–23.

[5] Child, *Church and State*, pp. 237–38. On the other side, Hook, *Lives of the Archbishops*, vol. V, pp. 194–95.

Nevertheless, their statements which showed the apostolic tendency excited the wrath of their opponents and the condemnation of their friends. Knollys wrote in anger and excitement to Cecil,[1] that the superiority and authority of the bishops rested upon the royal authority alone and that Dr. Whitgift had, he believed, incurred the penalty of præmunire by claiming for the bishops a divine right. Bacon strongly disapproved of the implied condemnation of their Continental brethren, and the clerics, who propounded the theory in opposition to the claims of Presbyterian dissent, themselves felt that it was a dangerous doctrine whose implications they did not care to accept.

Hooker, who marks the most just and able presentation of the Anglican view, and who had been foremost in contention with Travers,[2] heartily defends the episcopalian system of organization upon grounds of history and expediency, and even hints that it might be strongly defended upon a Scriptural basis.

> If we did seek to maintain that which most advantageth our own cause, the very best way for us, and the strongest against them were to hold even as they do, that there must needs be found in Scripture some particular form of church polity which God hath instituted, and which for that very cause belongeth to all churches, to all times. But with any such partial eye to respect ourselves, and by coming to make those things seem the truest which are the fittest to serve our purpose, is a thing which we neither like nor mean to follow. Wherefore that which we take to be generally true concerning the mutability of laws, the same we have plainly delivered.[3]

He carefully abstains from asserting for bishops any apostolic authority not dependent upon the will of the sovereign and the parliamentary establishment of the episcopal organization, and admits that "we are not simply without

[1] *S. P., Dom., Eliz.*, vol. CCCXXXIII, no. 62; Strype, *Annals*, vol. IV, no. iv, App., no. v.

[2] Travers, *Supplication to the Council*, Hooker, *Works*, vol. II, pp. 329–38; Hooker's answer to Travers, *ibid.*, pp. 339–51.

[3] Hooker, *Works, Ecc. Pol.*, vol. III, chap. X, sec. 8. *Cf. ibid.*, secs., 14, 18.

exception to urge a lineal descent of power from the Apostles by continued succession of bishops in every effective ordination."[1]

Apostolic succession of bishops was not a consistently worked-out and defended system, however rich in argumentative material Elizabeth's reign may have proved to later defenders of the theory. There are too many contradictions and denials of logical conclusions, yet those who recognize the illogical existence of contradictory opinions, side by side in the minds of men, can understand that the idea was not wholly absent. Because of assertions made by Elizabethan clerics, some have discovered a theory of episcopal succession in the Elizabethan Church from the first;[2] some have, because of the contradictions and denials, refused to recognize its existence at all at that date.[3] Both are wrong. The germs from which the theory was to develop and the causes for the development of the theory did exist. A development did take place, but not a development which enables us to predicate an apostolic episcopal succession in the reign of Elizabeth. It was a development of ecclesiastical consciousness and dignity. Its nature is most strikingly shown in the changed attitude toward Continental Protestantism, and the attempts of Whitgift and Bancroft to strengthen the administrative machinery of the Church.

Considerations of personal friendship and of similar ideals for the Church, and common enmity to papal power, made the early Anglican Church tolerant and friendly to Continental Protestantism, and in a sense dependent upon it. But with the death of the Marian exiles there were no longer influences of such importance and strength to hold the two together. The Zurich letters present a somewhat pathetic picture as the Continental and English friends

[1] Hooker, *ubi sup.*, bk. VII, chap. XIV, sec. 2, p. 175. *Cf.* also bk. III, chap. II, sec. 2; Editor's preface, p. xxxiii, n. 49; Strype, *Whitgift*, vol. II, p. 202; *S. P., Dom., Eliz.*, vol. VII, no. 46, for a later falsification of the facts in accordance with later apostolic theory. *Cf.* Saravia's treatises.

[2] Hook, *Lives of the Archbishops* (New Series), *Grindal*, vol. V, p. 41.

[3] Child, *Church and State*, App., no. VI.

exchange letters telling of the death of former associates, until, at last, the correspondence is taken up by a second generation whose friendship is traditional rather than real. The personnel of both the Continental and English churches had changed. There was not that intimate personal intercourse and sympathy of the first years of Elizabeth's reign. Naturally, as the Protestants within the English Church had been disappointed in their attempts to make more radical changes, the sympathy of the Continent shifted from the Anglican Church to that body within the Anglican Church which set itself squarely for dissent. And in the same way, the Anglican Church, while prevented by political considerations and pressure by the Crown from condemning or breaking with the Continent entirely, as it passed through the dangers of Catholic opposition, and resisted the attacks of Protestant radicals at home, developed a consciousness of unity and homogeneity which made it less anxious for the approval of Continental Protestantism and more confident of its own self-sufficiency. One would hardly have found the early Elizabethan clerics writing as did Hooker, ". . . for mine own part, although I see that certain reformed churches, the Scottish especially and French, have not that which best agreeth with the sacred Scripture, I mean the government that is by bishops . . . this their defect and imperfection I had rather lament in such case than exagitate, considering that men oftentimes, without any fault of their own may be driven to want that kind of polity or regiment which is best." [1]

As the Church gained this feeling of social unity and ecclesiastical solidity, there was a tendency to resent the too active interference of secular power in its affairs, a desire for more complete autonomy. The hold of the State was too strong to permit the development of an ecclesiastical theory which would free the Church from the chains of temporal politics and secular greed, but the practical tal-

[1] Hooker, *Ecc. Pol.*, bk. III, chap. XI, sec. 14.

ents of Whitgift and Bancroft saw opportunity for permissible and necessary work in the reconstruction of the administrative machinery of the Church. Whitgift, upon becoming archbishop, set vigorously to work. He enforced the laws against recusants; caused the press censorship to be vested in himself and the Bishop of London, and allowed the publication of none but the official Bible. He saw to it that the prescribed apparel was worn and that only priests and deacons and those with special license were allowed to preach. He would license no preachers without subscription to the famous "Three Articles," acceptance of the Royal Supremacy, the Thirty-nine Articles, and the Prayer-Book with the Pontifical prescribed. The Ecclesiastical Commission gave him the most effective means of working the administrative machinery, and the oath *ex officio mero*, the most hated and feared method of procedure in the Commission, was used by Whitgift persistently. When legal opposition made necessary some other means of proceeding with the work he had undertaken, the Archbishop turned to the Star Chamber and thus added his quota to the burdens and sins of that court. Whitgift was in earnest, but royal jealousy and the inertness of an established order prevented during Elizabeth's reign more than the beginning of the reform needed in the ecclesiastical administration. At the accession of James, however, with that monarch's hearty coöperation, Bancroft was enabled to bring about the changes which his experience in Elizabeth's reign had shown him were desirable from the standpoint of the ecclesiastical body.

It was not, then, in religious life, in religious or ecclesiastical dogma, that the Church of Elizabeth made its most important development, but in the creation of a church personality. Starting with a fundamentally Erastian conception of itself, yet with large elements of truly religious feeling also, the Church failed to develop much beyond the initial stages either doctrinally or religiously. Ecclesiasti-

cally there was a tendency to give to the Church, as a defense against Catholic and Protestant, and, to a certain extent, perhaps, as a means of freeing itself from the burdensome restraints of royal control, an ecclesiastical apologetic which contained the germs of the dogma of apostolic episcopal succession. This tendency, however, was restrained by the subservient position in which the Church found itself as a result of the peculiar facts of its creation and the circumstances of its continued existence.

### A COMPARISON OF THE FIRST AND THE LAST APOLOGISTS OF ELIZABETH'S REIGN

Perhaps no more illuminating summary of the change in the Church could be made than a comparison of Jewel, the first, with Hooker, the last, apologist of the reign. Jewel defended the Church from the attacks of the Catholics, Hooker from the Protestants. This difference of purpose might seem to make a comparison of the two somewhat difficult, but the very fact that the object of fear and antagonism had changed, is of great significance. Jewel felt no need for defending the Church from Protestants, for the bond between the English Church and the other varieties of Protestant faith was close, and their dislike of the common foe outweighed the unimportant differences among themselves. By Hooker's time this unity of feeling had broken down before the attacks of dissent and the development of Anglican ecclesiastical consciousness. In the English Church itself the differences of opinion which Jewel recognized as real were minimized and sunk from sight in the unity of faith and hatred which existed among all English Protestants. "Touching the dissensions in Religion which ye imagine to be amongst us in the church of England, I will say nothing. It grieveth you full sore to see that in all the articles of the faith, and in the whole substance of doctrine we do so quietly join together."[1] Jewel

[1] Jewel, *Works, Def. of Apol.*, p. 610. *Cf. ibid.*, p. 623; *Zurich Letters*, no. clxxvii.

was in somewhat the same position, in relation to the Catholics, that the Presbyterians occupied in relation to Hooker and the Anglican Establishment. There is a striking similarity between the reproaches Jewel cast upon the Romanists, and the attacks of the Presbyterians which Hooker had to repel. Inconsistency, greed, secularization of spiritual office, retention of superstitious ceremonies, aggrandizement of ecclesiastical office, charges which the Church of Hooker's day had to meet from the dissenters, were the old charges that Jewel had used as his chief justification for the break of the Church in England from the Papal Establishment. Cartwright's demand, "that they remember their former times, and correct themselves by themselves,"[1] had in it the sting of truth. The fact that during Elizabeth's reign the allies of her early Establishment had become the chief danger, to be feared more than the Catholics, indicates a change in circumstances, and necessitated a development of Anglican apologetic that Jewel would never have dreamed of. Hooker was compelled to make a defense of the Church as an independent entity, distinct from all other churches both Catholic and Protestant. Jewel's doctrines and arguments would have served as well for any of the Protestant churches as for the Church of England. Because of this changed standpoint, forced upon the Anglicans by the growth and attacks of English dissenters, the attitude toward the Catholic Church was different. In a sense it was more friendly.

> The Church of Rome favourablie admitted to be of the house of God; Calvin with the reformed Churches full of faults, and most of all they which endevoured to be most removed from conformitie with the Church of Rome.[2]

Instead of justifying the English Church upon the merely anti-papal grounds of an experimental organization, Hooker rested his case upon the dignity and worth of the Anglican

[1] Cartwright, *apud* Whitgift, *Works*, vol. I, p. 37.

[2] Hooker, *Works*, vol. I, p. 123, n. 12, Christian Letter. *Cf.* also *ibid.*, vol. I, p. 86.

Ecclesiastical Establishment. He raised the Church above the attacks of Catholic and Protestant by glorifying its polity, and tried to make its position impregnable, by means of an articulated system of reasoning.

Where Jewel had emphasized the authority of truth and the Scripture, Hooker was convinced of the incompetence of both in the hands of the common man.

> Thus much we see, it hath already made thousands so headstrong even in gross and palpable errors, that a man whose capacity will scarce serve him to utter five words in sensible manner blusheth not in any doubt concerning matter of Scripture to think his own bare *Yea* as good as the *Nay* of all the wise, grave, and learned judgments that are in the whole world: which insolency must be repressed or it will be the very bane of Christian religion.[1]

The truth and the Scripture must be predigested by clerical and ecclesiastical learning and be accepted by the generality upon that authority. For

> In our doubtful cases of law, what man is there who seeth not how requisite it is that professors of skill in that faculty be our directors? So it is in all other kinds of knowledge. And even in this kind likewise the Lord hath himself appointed, that the priests lips should preserve knowledge, and that other men should seek the truth at his mouth, because he is the messenger of the Lord of hosts.[2]

Reason must interpret and organize, the reason of a class expert and competent in religion. Jewel, clinging to what has been sometimes regarded as the fundamental principle of the Protestant Reformation, would have asserted the sufficient ability of all men to learn the truth from the Scriptures, and proclaimed the uselessness of interposing between them and the Bible the authority of experts. "In human conceits it is the part of a wise man to wait for judgment and consent of men; but in matters divine God's word

[1] Hooker, *Ecc. Pol.*, bk. II, chap. VII, sec. 6, p. 213.

[2] *Ibid.*, *Pref.*, chap. III, sec. 2, p. 130. *Cf. ibid.*, chap. IV, sec. 4; bk. II, chap. VII, sec. 3; bk. III, chap. VIII, sec. 13.

is all in all: the which as soon as a godly man hath received, he presently yields and submits himself; he is not wavering nor does he wait for any other."[1] Jewel believed that the Scriptures were sufficient to bring all men to unity in matters of faith. Hooker knew this was untrue, and solved the difficulty by interposing the authority or reason of the Anglican Church, as Jewel's opponents interposed the Catholic. Hooker, however, based the authority of the Anglican Church, not upon a theory of living divinity in the Church with Scriptural authority to rule and interpret, but upon the authority of reason. He, therefore, had a basis for rejecting Catholic claims which Jewel had not had. This was merely a development, it is true, of the idea of "order and decency" and "fitness for time and place" which Jewel and Parker had proclaimed, but it went further. In Hooker's apologetic this order and fitness, the system devised by ecclesiastical reason from the basis of the Scriptures, had become static, solidified. Hooker did not deny the possibility, or even some future desirability, of change, but he so carefully legalized the process by which such change could be brought about, that it became difficult, and remote, and the field of change definitely narrowed. Nowhere is this more evident than in his exaltation of episcopacy.

> Let us not fear to be herein bold and peremptory, that if anything in the Church's government, surely the first institution of Bishops was from heaven, was even of God; the Holy Ghost was the author of it.[2]
>
> This we boldly therefore set down as a most infallible truth, that the Church of Christ is at this day lawfully, and so hath been sithence the first beginning, governed by Bishops having permanent superiority, and ruling power over other ministers of the word and sacraments.[3]
>
> . . . It had either divine appointment before hand or divine approbation afterwards, and is in that respect to be acknowledged the ordinance of God.[4]

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[1] Jewel, *Works*, vol. IV, pp. 1121–22. *Cf. ibid.*, pp. 897, 1162–88.
[2] Hooker, *Ecc. Pol.*, bk. VII, chap. V, sec. 10.
[3] *Ibid.*, bk. VII, chap. III, sec. 1. [4] *Ibid.*, bk. VII, chap. V, sec. 2.

He comes as near as he dares to the assertion of Scriptural authority for that form of organization; in fact he has no doubt but that it was established and maintained by divine approval, but he avoids breaking with the previous Anglican position in regard to the Continental churches, for "the necessity of polity and regiment in all Churches may be held without holding any one certain form to be necessary in them all."[1] He escapes the consequences of denying royal authority over the Church, by admitting that, although there is a divine authority for the episcopal organization, there is no divine guarantee of its permanence.

> On the other side bishops, albeit they may avouch with conformity of truth that their authority hath thus descended even from the very apostles themselves, yet the absolute and everlasting continuance of it they cannot say that any commandment of the Lord doth enjoin; and therefore must acknowledge that the Church hath power by universal consent upon urgent cause to take it away.[2]

The Church and the bishops are given an authority which makes it somewhat difficult for Hooker to admit the royal authority which Elizabeth insisted upon. Because of the power actually possessed by the sovereign, he recognized that the sovereign must be given a prominent and decisive place in the system, but he wished to do so, also, because he saw that by making the sovereign the ultimate authority, hence ultimately responsible, the attacks of the dissenters upon the Church would be given an aspect of disloyalty which no previous charges had been able to bring home to the Queen and to the dissenters themselves. He identified the State and the Church by making them different aspects of the same national group.

> We hold, that seeing there is not any man of the Church of England but the same man is also a member of the common-

[1] Hooker, *ubi sup.*, bk. III, chap. II, sec. 1. *Cf.* also, *ibid.*, bk. IV, chap. XIII, sec. 7; Whitgift, *Works*, vol. I, p. 369.

[2] Hooker, *ubi sup.*, bk. VII, chap. V, sec. 8.

wealth; nor any man a member of the commonwealth, which is not also of the Church of England; therefore as in a figure triangular the base doth differ from the sides thereof, and yet one and the selfsame line is both a base and also a side; a side simply, a base if it chance to be at the bottom and underlie the rest; so, albeit properties and actions of one kind do cause the name of a commonwealth, qualities and functions of another sort the name of a Church to be given unto a multitude, yet one and the selfsame multitude may in such sort be both, and is so with us, that no person appertaining to the one can be denied to be also of the other.[1]

At the head of this group was the Queen with authority over secular and ecclesiastical affairs by virtue of irrevocable cession by the people. Hence, the sovereign was superior to the officers of the Church in legislation, jurisdiction, and nomination to office, and changes could come only through the will of the sovereign.[2]

Jewel had also given the sovereign an extensive authority. He was fond of asserting "that since the strength of the Empire is lessened, and kingdoms have succeeded to the imperial power, that right, [formerly held by the emperor in matters of religion] is common to Christian kings and princes."[3] "We give him that prerogative and chiefty that evermore hath been due him by the ordinance and word of God; that is to say, to be the nurse of God's religion to make laws for the church; to hear and take up cases and questions of the faith, if he be able; or otherwise to commit them over by his authority unto the learned; to command the bishops and priests to do their duties, and to punish such as be offenders."[4] But the power of the Emperor was itself a debatable question and Jewel did not go further in justification of the royal power over the Church.

Although Hooker proposed a theory of sovereign power

[1] Hooker, *Ecc. Pol.*, bk. VIII, chap. I, sec. 2. *Cf.* Whitgift, *Works*, vol. I, p. 388.

[2] Hooker, *ubi sup.*, bk. VIII, chaps. VII and VIII.

[3] Jewel, *Works*, vol. IV, "Epistle to Scipio." *Cf.* vol. III, p. 167.

[4] Jewel, *ubi sup.*, p. 1123.

consistent with his ecclesiastical theory, it is evident that he had less confidence in the beneficence of the connection of the Establishment with the monarchy than did Jewel, and was anxious to save for the Church and her officials a dignified position. He would have preferred to allow the Anglican Episcopacy to stand upon its own feet.

### CHANGE IN THE ATTITUDE OF THE CHURCH TOWARD CATHOLIC AND PROTESTANT DISSENTERS

The changed viewpoint and attitude of the English Church, thus indicated by a comparison of the first and the last apologists of the reign, was, in its development, paralleled by changing attitudes toward those religious and ecclesiastical groups within the kingdom which diverged from the Anglican Church in doctrine and polity. The basis for governmental intolerance of dissent, both Catholic and Protestant, did not change; the severity of its laws and its actions increased until 1593; but the grounds upon which such laws were passed and upon which governmental repression of dissent was exercised, remained the same throughout the reign. In the beginning, the Church, as a religious organization, had little basis of intolerance apart from, or other than, the basis of governmental intolerance, state safety. This was, of course, due to the fact that it had not yet developed a life and organization consciousness apart from its life as an arm of secular politics. Its earliest demands, even as an ecclesiastical body, went little beyond adherence to the Queen's supremacy and attendance upon the services established, not by ecclesiastical or spiritual authority, but by a purely temporal and only theoretically representative national body. There was little concern expressed or felt, at first, in the spiritual welfare or salvation of the members of this Church, nor could there be much emphasis upon this point when all parties agreed that the form of organization of the Church, even the greater part of the ill-defined doctrines of the Church, were not essen-

tials of salvation, but were expedients, or the best conclusions of men, at the most, only human and likely to err. Thus they felt that, while certain doctrines were better and that all men ought to believe them, the Roman Catholic even might be saved, believing as he did; there could be no great harm in demanding this state conformity from Catholics. However, as the Church of England, with its organization and ritual, was found to inspire love, and men learned to respect the theory on which it rested and to value its historical associations, Anglicans began to regret the ties which an earlier policy had imposed upon it, and to demand that the Church should be adhered to, not as a political necessity, but for the sake of its own merits. Not that they repudiated the pleas and the arguments inherent in the political connection, but they regretted more the restraints it placed upon them from punishing those who did not like the forms and rites grown dear to themselves.

> Her Majesty told me that I had supreme government ecclesiastical; but what is it to govern cumbered with such subtlety?[1] It is (by too much sufferance) past my reach and my brethren. The comfort that these puritans have, and their continuance, is marvellous; and therefore, if her Highness with her council step not to it, I see the likelihood of a pitiful commonwealth to follow.[2]

And their transition to this position was induced from both sides by powerful irritants. The Pope had excommunicated their Queen, for, and by whom, their Church had been reëstablished; loyalty demanded that they expel, for safety's sake, from the body of the new organization all who retained their love for Roman Catholicism. The law of the land reflected this loyal feeling and placed in their hands the means of accomplishing their desire. The Protestants whom Parker had called Precisianist, developed an ecclesiastical theory antagonistic to the established organization, and angrily hurled at the heads of Anglicanism reproaches

[1] *Parker Corresp.*, no. ccclxix. *Cf. S. P., Dom., Eliz.*, vol. XCIII, no. 8.
[2] *Ibid.*, no. cccxxi. *Cf. ibid.*, no. cccxiii.

which their subservience to the government made it difficult to escape. In the beginning the Church was in a defensive position ecclesiastically against Catholics only, and the defense was not ecclesiastically intolerant, but moderate.

Religiously, in so far as the Church had any aggressive religious consciousness, it regarded itself as the enemy of the abuses of Roman Catholicism. This enmity afforded, perhaps, something of the emotional fervor which is so necessary to intolerance, and might have helped to make more vigorously hostile the intolerance of the Anglican Church, had it not been restrained by the necessity, imposed upon it by its subjection to the State, of reconciling Catholics to itself. The Church had not yet an authoritative and accepted apologetic upon which to base theories of intolerance. Governmentally, and as a tool of secular politics, its position was strong and well defined; religiously and ecclesiastically its position was indefinite, and the statement of its justification as an organization was not yet crystallized into definite form. In so far as the apologetic of Jewel and Parker was a justification for the Church's existence, it did not serve as a basis for intolerance of Catholics, but of the Papacy. The distinction is one that is essentially superficial in view of Roman Catholic history and theory, but to such men as Parker and Jewel, to Elizabeth and many leaders in England, the distinction was a true one, and their hope of maintaining the government's position was dependent, they believed, upon the recognition by Catholics that it was a legitimate distinction. In so far, then, as the primitive Church idea afforded a ground for intolerance, it was the basis for intolerance of papal authority alone. And it was intended to be no more. This theory was a defensive rather than an aggressive one. Had it become aggressive, or had it carried with it definite statements, or dogmatic definitions of the exact form of primitive, pre-Catholic doctrine, as did Presbyterianism, it might

have served as the basis for intolerance of Catholic or Protestant, according to the nature of the Church or belief thus defined. Politics, if not the convictions of the early leaders, prevented such definitions, however, and ecclesiastically the Church was liberal.

The religious intolerance of the Church manifested toward Catholics increased in intensity as it became a national institution, dependent no longer for sustenance upon governmental strength, but upon the love of the English nation. Its religious intolerance was, in other words, the result of its ecclesiastical development, from a hastily gathered army for the defense of the sovereign, into a true social religious group.

Aside from the increased love of the organization which afforded in later Elizabethan days a basis for condemnation and intolerance of Catholics, there was a practical reason for development of intolerance of Catholics which had close connection with, and in part was due to, the older Erastian standpoint, but which was, at the same time, distinct from and independent of that view. The increased activity of the Jesuits in England, the foundation of Jesuit communities, and the underground organizations of Jesuit missionaries, the multiplication of plots against the Queen and nation, filled Englishmen with terror; not alone because they feared for the safety of the State, but because they gave credit to reports of, and fully believed in, the extreme Protestant conception of the Jesuit teachings. They believed that the Jesuits stopped at no immoral, treacherous, or traitorous act to accomplish their purposes. They believed thoroughly that papal absolution, particularly in the case of the Jesuits, was at hand to relieve from spiritual penalties any crime or dastardly deed which was intended to promote the rule of the Roman See. The Church, with other Englishmen, heartily condemned both the Jesuits and the Church of which they were a part, upon what they believed to be, and what were in fact, high moral grounds.

The development during Elizabeth's reign of Anglican intolerance of Protestantism may well afford food for cynical comment to those who test the spirit of ecclesiasticism by the life of the great teacher of Galilee. The clerics of the early Establishment were the Puritans of the previous reign, strivers for religious and ecclesiastical freedom.[1] They were the pupils and friends of Continental Protestants. They disclaimed any particular sanctity for their Church. Their Calvinistic and Lutheran friends were the champions of a new temple of freedom where God might be worshiped in the spirit of holiness and simple love. The new Establishment was but one more added to the brotherhood of the free churches of God in Europe. So the idealists of the new English Church proclaimed.

Unfortunately, or fortunately, perhaps, the Church was not exclusively idealistic. It was a practical compromise between men who were half-heartedly Catholic in doctrine but anti-papal, and men who were Protestant but moderate, distinctly anti-papal, and willing to accept compromise in ecclesiastical organization and ceremony because, in the situation, it was the best that could be obtained. The Church defended itself by the assertion that the form of the ecclesiastical organization was a matter of indifference. Justification of itself against the claim of the Catholics that theirs was the only divinely instituted Church, as we have pointed out, compelled that, and at the same time this apologetic secured the allegiance of those who wished a more distinctively Protestant form of organization, for upon such a theory changes could be made when opportunity offered. It is here that the influence of the Queen is most striking. She did not wish, she would not permit, the radical swing to be made, and she was able, by virtue of the power given her by the Parliamentary acts, and by virtue of her assumed or justly claimed prerogative, to carry out her will,

[1] Maitland, *Essays*, "Puritan Veracity," no. ii, p. 17; Grindal, *Remains*, p. 203.

and also to prevent any modification of the power originally placed in her hands. Political danger and the common opposition to papal claims won the allegiance to the Church of those more radical in doctrine and ecclesiastical theory than the Establishment; political necessity and the composite character of the personnel of the Church made it necessary, during the first decade of Elizabeth's reign, to deal tenderly with such persons. The party which intended that the Church should not change toward Continental Protestant forms of doctrine or ritual, but should continue its life as the embodiment of "mediocrity," or, as they preferred to put it, in the ideal form for England which events had given it at the first, was strong and destined to survive. By the time of Whitgift, however, dissent had become more impatient, and consequently the tone of the Establishment more brusque and insistent.

> . . . Such insolent audacity against states and lawful regiment is rather to be corrected with due punishment than confuted by argument.[1]
>
> Surely the Church of God in this business is neither of capacity, I trust, so weak, nor so unstrengthened, I know, with authority from above, but that her laws may exact obedience at the hands of her own children and enjoin gainsayers silence, giving them roundly to understand that where our duty is submission weak oppositions betoken pride.[2]

It was dissent within the Church that aroused the loyal party of moderation to begin that formulation of a theory of church government which later developed into the Laudian Church idea. Where both sections of the Church had formerly agreed that its particular polity was a matter of indifference, they now advanced diverse theories of government, and each maintained its preference as though it alone were right. Opposition developed on each side, until,

[1] Whitgift, *Works*, vol. II, p. 188. *Cf.* also *ibid.*, vol. I, pp. 170, 142, 122; Strype, *Whitgift*, vol. I, pp. 229–32; vol. III, pp. 81, 104–07; Pierce, *Introd.* to *Marprelate Tracts*, pp. 71, 72.

[2] Hooker, *Ecc. Pol.*, bk. V, chap. VIII, sec. 4, p. 304.

instead of discussing mere preferences and degrees of expediency, each was violently defending a form of church government as alone divine, right, and acceptable to God. It is of this development that we shall speak in the next chapter.

## CHAPTER VI

## PROTESTANT DISSENT

DISSENT in the days of Elizabeth is of particular interest because many of those great religious organizations, which have taken such a prominent part in English religious and political life during the last three hundred years, trace their English sources to her reign. It was a period of the formation of churches and church parties, and has the peculiar fascination and at the same time the uncertainties of all periods of beginnings. Dislike of the Establishment manifested itself in almost every degree, from a simple, mild disapproval of the ceremonies of the Established Church, to a scathing denunciation of its forms, and a relentless determination to destroy it. Because organizations had not yet fully developed, because ideas were not yet crystallized and embodied in ecclesiastical standards, the classification of dissent during this period is difficult.

The names we apply to ecclesiastical bodies or religious opinions which began their growth in Elizabeth's reign, cannot be applied safely, in many cases, to the groups from which they developed. Contemporary names are inaccurate and have, by later development and association, taken on meanings utterly foreign to the thought of Elizabeth's time. Puritan, Anabaptist, Barrowist, Brownist, Seeker, Familist, were terms used variously, and inaccurately, to designate men whose opinions were condemned by constituted authority;[1] but will not serve for purposes of classification, even in the cases where they represented more or less definite

[1] Pierce, *Marprelate Tracts*, "The Epistle," p. 80. One of the conditions of peace with the bishops is "that they never slander the cause of Reformation or the furtherers thereof in terming the cause by the name of Anabaptistery, schism, etc., and the men Puritans and enemies of the State."

types of opinion in Elizabethan usage. Many historians have been accustomed, when speaking of dissent in Elizabeth's reign, to use the term "Puritan" to designate *all* who wished reform; while others have applied the name to all *within* the Church who wished reform, and have called those who attempted to accomplish their reforms *outside* the Church, "Separatists." This classification, however, is inaccurate and unsatisfactory. Elizabethan usage of the term "Puritan" does not sanction such a classification. We find that Elizabethans applied the name to types of thought and policy that are clearly Separatist. It was a loose term, attached in scorn or dislike to a variety of religious and ecclesiastical opinions, usually implying, at first, merely a desire to change the rites and ceremonies of the English Establishment, without implying attack upon its fundamental organization or character. It was in this sense applied to those whom Archbishop Parker preferred, more accurately, to call "Precisianists," quibblers over minor points of worship and ceremony, and was particularly distasteful to those accused of Puritanism because it had for them all the odium of an ancient heresy. "This name is very aptly given to these men; not because they be pure, no more than were the heretics called Cathari; but because they think themselves to be *mundioris ceteris*, more pure than others as Cathari did." [1] Yet, with the development of organized dissent, it was with increasing frequency applied to all, except Catholics, who differed from the Established Church in their opinions as to the organization and character of a true church. The use of the term for purposes of classification is also confusing because we ordinarily use the name to designate a type of thought, rather than a religious or ecclesiastical party; and the type of thought which we think of as Puritan was a development of the seventeenth century, and did not characterize any group of dissent in Elizabeth's

[1] Whitgift, *Works*, vol. I, p. 171. *Cf. ibid.*, p. 172; Strype, *Annals*, vol. III, pt. I, pp. 264–68.

time. At the beginning of James I's reign the term was taking on its later meaning.

> The imputation of the name of Puritan is now growne so odious and reproachfull that many men for feare thereof are rather willing to be thought to favour some vice or superstition than to undergoe the scandall of that name, and seeing many who both do approve and are verie desirous to obey his Majesties lawes and government, (as well ecclesiastical as temporal,) yet only for absteyning from or not approving grosse vices or profaneness or for due frequenting publique exercises of religion or practicing the private duties thereof in their owne familyes, are branded with that opprobrious name.[1]

In Elizabethan usage, however, the name "Puritan" was applied impartially to any and all who condemned the theory or practice of the Established Church, and had no reference to those qualities of character and mind which seventeenth-century history attached to the name. Cartwright wrote, in protesting against the application of the term to the Presbyterians: —

> What is our "straitness of life" any other than is required in all Christians? We bring in, I am sure, no monachism or anchorism, we eat and drink as other men, we live as other men, we are apparelled as other men, we lie as other men, we use those honest recreations that other men do; and we think that there is no good thing or commodity of life in the world, but that in sobriety we may be partakers of, so far as our degree and calling will suffer us, and as God maketh us able to have it.[2]

Further, the familiar division of English dissent into Puritan and Separatist is inaccurate and unsatisfactory for Elizabeth's reign, because it is difficult and sometimes impossible to distinguish between the two. The degrees of separation were so varied that what may by one be regarded as merely Puritan, may by another with equal reason be classed as Separatist. The sources of Separatism are so clearly Puritan, and the development from one to the other

[1] *Report on the Rutland Papers*, vol. IV, p. 213.
[2] Cartwright, *apud* Whitgift, *Works*, vol. I, p. 110.

so gradual, that it is impossible to discover definitely a line of demarcation between the two; a great part of the dissatisfied can be placed definitely in neither class. The advocates of Presbyterianism, for instance, were recruited from Precisianists or Puritans, were called "Puritans," and, even after a long period of development, regarded themselves as part of the Anglican Establishment. "We make no separation from the church; we go about to separate all those things that offend in the church, to the end that we, being all knit to the sincere truth of the Gospel, might afterwards in the same bond of truth be more nearly and closely joined together." [1] Yet they condemned the fundamental structure of the Anglican Church as it existed, and set up their own unauthorized classes and synods which constituted a separate organization whose Scriptural character was proclaimed. It may be possible to call some particular sections of the Presbyterian movement "Puritan," but the term has no meaning for the movement as a whole.

Because of these difficulties we shall avoid so far as possible the familiar classification. We shall apply the term "Precisianists," following Archbishop's Parker's usage, to the quibblers who did not ally themselves with any of the distinct groups of dissent in attack upon the fundamental structure of the Establishment. Those who advocated the Presbyterian form of church government are easily placed in a class by themselves, and form the most important distinct group within the ranks of dissent. To those bodies which did not adhere to the Presbyterian polity, we shall apply the contemporary names so far as possible, and group them, with two exceptions, upon the basis of polity, under the genetic name of "Congregationalists," although somewhat inaccurately in some cases. To this group belong the Brownists, Barrowists, and Anabaptists.

Of these the Anabaptists are least important, although

[1] Cartwright, *apud* Whitgift, *Works*, vol. I, p. 102. *Cf. ibid.*, vol. I, pp. 95, 104; *Theses Martinianæ*, Pierce, *Marprelate Tracts*, pp. 314–21.

the term is frequently used in the literature of the period. It was not, however, strictly applied, but, because of Anabaptist radical, social, and economic theories and the excesses at Munster, served as a term to cast reproach on all who were irregular or fanatical in their religious opinions.

> It is more than I thought could have happened unto you, once to admit into your mind this opinion of anabaptism of your brethren, which have always had it in as great detestation as yourself, preached against it as much as yourself, hated of the followers and favourers of it as much as yourself. And it is yet more strange, that you have not doubted to give out such slanderous reports of them, but dare to present such accusations to the holy and sacred seat of justice, and thereby (so much as in you lieth) to corrupt it, and to call for the sword upon the innocent, (which is given for their maintenance and safety,) that, as it is a boldness untolerable, so could I hardly have thought that it could have fallen into any that had carried but the countenance and name of a professor of the gospel, much less of a doctor of divinity.[1]

"Anabaptist" was used by Elizabethan Englishmen in somewhat the same sense that highly respectable members of modern society have used the term "anarchist," and, until recently, the term "socialist."[2] Radical Presbyterians, Barrowists, Brownists, Seekers, and Familists are all called by the offensive name; but Anabaptism proper was of little importance during our period and may be disregarded, except as other types of dissent, most numerous among the Congregational group, represented, or were supposed to represent, phases of Anabaptist opinion.

It is characteristic of those groups of dissent from which the Presbyterian and Congregational Churches originated, that their chief disagreement with the Established Church concerned matters of ceremony and of ecclesiastical polity,

[1] Cartwright, *apud* Whitgift, *Works*, vol. I, p. 77. *Cf. ibid.*, vol. I, pp. 125–36, 105; *S. P., Dom., Eliz.*, vol. XIII, no. 36; Strype, *Grindal*, p. 181; Grindal, *Remains*, p. 243; Burrage, *English Dissenters*, vol. II, p. 21; vol. I, pp. 64, 66.

[2] *Parker Corresp.*, no. cccxxv; Strype, *Parker*, bk. IV, chap. XXIV; Grindal, *Remains*, pp. 297, 298.

rather than of doctrine or essential matters of faith.[1] The Presbyterian adhered to the particular form of church organization and theological dogma promulgated by Calvin; but, of these tenets, the distinguishing one was the ecclesiastical polity, not Calvinistic theological dogma, for the Calvinistic theology was the accepted theology of the greatest number of loyal Church of England men, and of many of the other groups of dissent. As Presbyterianism meant the advocacy of the presbyterial organization, so Congregationalism was merely championship of a particular form of church organization, one made up of independent local groups controlling their own affairs and determining what doctrines should be taught in particular Congregational churches. Within Congregationalism, therefore, we find the widest diversity of religious belief and management.

Of the minor sects that fall neither under the classification of Presbyterian nor Congregational, the most important was the Family of Love. These belong to a class by themselves, to that peculiarly fanatic religious type which bases group consciousness on a recently living leader, supposedly endowed with a new, divinely given revelation.[2] Since this adherence to a divine message, given in the lifetime of the believer, is a matter of actually controlling faith and emotion, these sects afford some of the most interesting phenomena of religious psychology; but, because of their connection with the life of one or two prophets, they are not usually of long duration nor of particular influence on the thought of the time. In Elizabeth's reign they afford the most striking example of persecution from religious and social motives.

This classification of dissent, into Presbyterian, Congregational, and "fanatic," affords a basis for our treatment of

[1] Grindal, *Remains*, Letters, no. lxix; Dean Bridges, *Defence*, *Preface*, p. 43, quoted in Pierce, *Marprelate Tracts*, *Introd.*, p. xxiii; Hooker, *Ecc. Pol.*, *Preface*, chap. III, sec. 7; *ibid.*, note 57.

[2] Hooker, *Works*, vol. II, p. 61, note; Strype, *Annals*, vol. III, pt. II, App., nos. xxv, xlviii, xlix.

Elizabethan dissent. After tracing their common sources, we shall speak of their opinions and their relations to the Established Church, to each other, and to the government.

### THE BEGINNINGS OF DIVISION

As we have pointed out in a previous chapter, the compromise character of the English Establishment, and the composite personnel of the Anglican clergy, were sources of disunion. Many of the clergy had spent their exile during the reign of Mary in close association with the Reformers of the Continent where they had imbibed Continental notions of ecclesiastical independence and hatred of the Papacy. They took service in an Establishment which was pledged to peaceable and friendly relations with the Continental Reformers by little except common enmity to the Papacy. Thus, within the Establishment, were men at heart more extremely Protestant than the Church under which they took service and office, and to which they tendered conformity. Some of them frankly told their Continental friends, and were approved by them for so determining, that, in accepting the Elizabethan Establishment and employment under it, they were doing so in order to prevent less Protestant persons securing the direction of affairs, and with the fixed determination to exert all their official influence to bring about changes of a more radical nature.

> It was enjoined us (who had not then any authority either to make laws or repeal them) either to wear the caps and surplices, or to give place to others. We complied with this injunction, lest our enemies should take possession of the places deserted by ourselves. We certainly hope to repeal this clause of the act next session; but if this cannot be effected, since the papists are forming a secret and powerful opposition, I nevertheless am of opinion that we ought to continue in the ministry, lest, if we desert and reject it upon such grounds, they insinuate themselves.[1]

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[1] *Zurich Letters*, Horn to Gualter, no. xcvi. *Cf. ibid.*, nos. xxvi, xxxiii, xlii, lxvii.

The lukewarm character of the government policy in religious matters logically led, therefore, under the shelter of the compromise, to the development of a large body which wished to go to greater lengths in reform, and to give to the Church a character more in accord with its own extreme views.

> . . . Our religion . . . will strike its roots yet deeper and deeper; and that which is now creeping on and advancing by little and little, will grow up with greater fruitfulness and verdure. As far as I can, I am exerting myself in this matter to the utmost of my poor abilities: others too are labouring for the same object, to which especially is directed the godly diligence of certain preachers, and particularly Jewel, now elected a bishop, and your friend Parkhurst.[1]

Yet the questions which gave ground for the first dispute were questions which both sides united in calling matters of indifference. The most prominent of these, and the earliest to come into dispute in any wide way, were questions of ceremony.

Differences in regard to rites and external observances early manifested themselves, nowhere more strikingly than in the Convocation of 1563.[2] Proposals were there made in the lower house, that saints' days be abolished, that the use of the cross in baptism be omitted, that kneeling at the communion be left to the ordinary's discretion, that organs be removed from the churches, and that the minister use the surplice only in saying service and at the sacraments. These proposals were rejected by a scant majority of one, and those voting in their favor were by no means of the less able clergy. Many of the bishops themselves were numbered in the party of those who were called Precisianists. Jewel expressed his opinion of the habits in no uncertain tone: —

[1] *Zurich Letters*, Earl of Bedford to R. Gualter, no. xli. *Cf. ibid.*, nos. ii, v, vii, lx; Strype, *Annals*, vol. III, pt. I, pp. 25 *et seq.*; pt. II, App., no. iii.

[2] Prothero, *Select Statutes*, p. 190; Strype, *Annals*, chaps. XXIX, XXX.

As to what you write respecting religion, and the theatrical habits, I heartily wish it could be accomplished. We on our parts have not been wanting to so good a cause. But those persons who have taken such delight in these matters, have followed, I believe, the ignorance of the priests; whom, when they found them to be no better than mere logs of wood, without talent, or learning, or morality, they were willing at least to commend to the people by that comical dress. For in these times, alas! no care whatever is taken for the encouragement of literature and the due succession of learned men. And accordingly since they cannot obtain influence in a proper way, they seek to occupy the eyes of the multitude with these ridiculous trifles. These are, indeed, as you very properly observe, the relics of the Amorites. For who can deny it? And I wish that sometime or other they may be taken away, and extirpated even to the lowest roots: neither my voice nor my exertions shall be wanting to effect that object.[1]

Sandys also hoped that the habits would not be retained.

The last book of service is gone through with a proviso to retain the ornaments which were used in the first and second year of King Edward, until it please the Queen to take other order for them. Our gloss upon this text is, that we shall not be forced to use them, but that others in the meantime shall not convey them away, but that they may remain for the Queen.[2]

Grindal and Horn wrote: —

Nor is it owing to us that vestments of this kind have not been altogether done away with: so far from it, that we most solemnly make oath that we have hitherto laboured with all earnestness, fidelity, and diligence, to effect what our brethren require, and what we ourselves wish.[3]

Pilkington and Parkhurst openly espoused the cause of the radicals. Pilkington wrote to Leicester: —

It is necessary in apparel to show how a Protestant is to be known from a Papist. Popery is beggarly; patched up of all sorts of ceremonies. The white rochets of bishops began with a Novatian heretic; and these other things, the cap and the rest, have the like foundation.[4]

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[1] *Zurich Letters*, no. xxxiv, Jewel to Martyr. *Cf. ibid.*, nos. xv, xxxii.

[2] *Parker Corresp.*, no. xlix, Sandys to Parker. *Cf. Zurich Letters*, no. xlviii.

[3] *Zurich Letters*, no. cxxi. *Cf. Parker Corresp.*, nos. clxxv, clxxix, ccxiii, ccxviii; Grindal, *Remains*, pp. 211, 242, Letters, no. lxix.

[4] Strype, *Parker*, bk. II, App., no. xxv. *Cf. Parker Corresp.*, no. clxxix.

Parker complained of Parkhurst: —

The bishop of Norwich is blamed even of the best sort for his remissness in ordering his clergy. He winketh at schismatics and anabaptists, as I am informed. Surely I see great variety in ministration. A surplice may not be borne here. And the ministers follow the folly of the people, calling it charity to feed their fond humour. Oh, my Lord, what shall become of this time.[1]

Nor was it in the Church alone that the differences between the radicals and the conformists became the subject of serious difference of opinion. Sandys wrote to Burghley: —

Surely they will make a division not only among the people but also amongst the Nobilite, yea, and I feare among men of highest calling and greatest authorite except spedy order be taken therein.[2]

The nobles were actuated, not only by conviction, but by motives of policy and even of greed.

Another sort of men there is, which have been content to run on with the reformers for a time, and to make them poor instruments of their own designs. . . . Those things which under this colour they have effected to their own good are, 1. By maintaining a contrary faction, they have kept the clergy always in awe, and thereby made them more pliable and willing to buy their peace. 2. By maintaining an opinion of equality among ministers, they have made way to their own purposes for devouring cathedral churches and bishops livings. 3. By exclaiming against abuses in the Church they have carried their own corrupt dealings in the civil state more covertly. For such is the nature of the multitude they are not able to apprehend many things at once, so as being possessed with dislike or liking of any one thing, many other in the meantime may escape them without being perceived. 4. They have sought to disgrace the clergy in entertaining a conceit in men's minds, and confirming it by continual practice, that men of learning, and specially of the clergy, which are employed in the chiefest kind of learning, are not to be admitted, or sparingly admitted to matters of state; contrary to the practice of all well governed commonwealths, and of our own till these late years.[3]

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[1] *Parker Corresp.*, no. cvii. *Cf. Zurich Letters*, nos. lxv, cxvii.

[2] *Puritan Manifestoes*, App., p. 152.

[3] George Cranmer's letter to Hooker, App. II to bk. V of *Ecc. Pol.*, vol. II, p. 64.

Of Leicester Parker wrote to Cecil: —

I am credibly informed that the earl is unquiet, and conferreth by help of some of the examiners to use the counsel of certain precisians I fear, and purposeth to undo me, etc. Yet I care not for him. Yet I will reverence him because her Majesty hath so placed him, as I do all others toward her. And if you do not provide in time to dull this attempt, there will be few in authority to care greatly for your danger, and for such others. They will provide for themself, and will learn by me in my case how to do.[1]

Walsingham appointed the Puritan Reynolds to the divinity lecture at Oxford founded to discredit Romanism.[2] Knollys, Sir Thomas Smith, and Sir Walter Mildmay wrote an extraordinary letter to Parkhurst desiring him to allow the exercises called "prophesyings" to continue, although Parker was at the time making vigorous attempts to suppress these training schools for Puritanism.[3] Even Cecil, who headed the opposite faction in the Council, was not altogether favorable to Parker's procedure, and took care in many cases that those affected by the orders in regard to the ceremonies and vestments suffer a minimum of inconvenience.[4]

As a result the ceremonies were not everywhere observed. The minister's taste often dictated whether he should wear the habits or not, and determined the posture of the congregation during communion. Forms of baptism varied. The sign of the cross was sometimes used, sometimes not. Many of the clergy held the prescribed habits up to ridicule. The Dean of Wells, Turner, even made a man do penance for adultery in a square priest's cap, much to the scandal of his more dignified brethren.[5] But in 1565, under pres-

[1] *Parker Corresp.*, no. cccIxvii. *Cf. ibid.*, nos. clxxix, ccxviii, ccxix, cclxxvi, cccxi, cccxii, cccxxviii.

[2] Hooker, *Works*, vol. I, p. xxx.

[3] *Parker Corresp.*, p. 457, note 2. *Cf.* also, nos. cccl, cccli, ccccliii.

[4] *Ibid.*, nos. clxxviii, clxxix, clxxxiv, clxxxv, clxxxvi; Grindal, *Remains*, Letters, no. lxxvii; *S. P., Dom., Eliz.*, vol. CLXXII, no. I. Travers, Hooker's opponent at the Temple Church, was Burghley's chaplain and tutor to his children.

[5] *Parker Corresp.*, no. clxxxii; *Zurich Letters*, no. cviii.

sure from Elizabeth, Parker issued his famous "Advertisements," which were designed to do away with all such irregularities, and proceeded to enforce conformity to the habits.

There was some uncertainty whether he could legally proceed to the deprivation of ministers who refused the test he intended to offer, and neither the court, nor the great lay lawyers, would back him up; some of them through sympathy for the views of the dissenters, some through question as to the legality of such procedure. The test was made by Parker and Grindal on the London clergy and most of them submitted. The rest were suspended at once and given three months to consider before the bishops proceeded to deprivation. Grindal did not like the work nor did some of the other commissioners. Parker had printed his articles without the Queen's authorization, although on the title-page, he had endeavored to create the impression that they had that sanction by proclaiming that they were issued "by virtue of the Queen's Majesty's letters" commanding the same.[1] Had Elizabeth given them her sanction, they would have had the authority of law as provided by the Act of Uniformity empowering the Queen, with the advice of the Metropolitan, to take further order for the ceremonies and ornaments of the Church, as was the impression conveyed by Parker's clever title-page. The "Advertisements," however, did not settle the question as Parker hoped, but aroused much alarm at the prospect of compulsion, and occasioned much of the opposition to the bishops and the Establishment which now began to develop everywhere. Parker's proceedings mark the real beginning of the split in the Anglican Church.

We may regard Parker as most clearly representing the official Anglican position; and even Parker did not hesitate to say that these were matters of indifference in themselves.

[1] *Parker Corresp.*, nos. clxxv, clxxvi, clxxviii, cciii, ccix, ccx; Wilkins, *Concilia*, vol. IV, p. 247; Cardwell, *Annals*, vol. I, p. 287; Prothero, *Select Statutes*, p. 191; Gee and Hardy, *Documents;* Sparrow, *Collections; S. P., Dom., Eliz.*, vol. XXXIX, no. 14.

"Does your Lordship think that I care either for cap, tippet, surplice, or wafer-bread, or any such?"[1] He argued that the habits and the ritual were not essential matters, in the sense that the Catholic Church made them essential, but, because of the order and decency lent by them to the church service and the ministerial person, were worthy of observation, even had the law of Parliament and the will of the sovereign not ordained that within the English Church such habits and ritual should be observed. In no sense were other Protestant churches condemned for not using them, for there was nothing sacred in their use or character. "The Queen hath not established these garments and things for any holiness' sake or religion, but only for a civil order and comeliness: because she would have the ministers known from other men, as the aldermen are known by their tippets," etc.[2] Why should Christians squabble about such matters and give to Catholics opportunity for reproaching the Protestants for their lack of unity, and, at the same time, by such quarrels make Continental friends believe that the English Church tacitly condemned them because they did not use the habits? The law commanded all to use the habits — what was the profit in fighting about them?

On the other hand, those who objected to the habits proclaimed with equal certainty that they were matters of indifference. Few made the actual wearing of the habits a matter of conscience. Such men as Dr. Humphrey[3] argued: in this indifferent matter of the wearing of the habits why give the wearing or not wearing of them such importance that refusal or dislike of them entails dismissal from the ministry of the Church?[4] Many devout and

[1] *Parker Corresp.*, no. cccIxix. *Cf.* conclusion of the *Advertisements*.

[2] Grindal, *Remains*, p. 210.

[3] *S. P., Dom., Eliz.*, vol. XXXVI, no. 64; vol. XXXIX, no. 63; *Zurich Letters*, nos. lxxxv, ci, cix, cii; Strype, *Annals*, vol. I, pt. II, App., no. xxvii; Strype, *Parker*, bk. II, App., nos. xxx, xxxi.

[4] It seems curious to find Whitgift's name among those who took this position. *Cf.* Strype, *Parker*, bk. III, chap. III, p. 125, and App., no. xxxix; *S. P., Dom., Eliz.*, vol. XXXVIII, no. 10; Strype, *Whitgift*, App., no. iv.

serious young men, who are heartily loyal to the Queen and deeply attached to the Church now established, feel that they cannot take service under her because they are obliged to wear a costume which they look upon as a badge of Romanism. Why not leave it, in the present dangerous, unsettled, poverty-stricken, and preacherless condition of the Church, to individual conscience? We shall thus secure the whole-hearted service of the able men whom we need so much. They agree on all else, why exclude them from becoming one of us, or eject devout and worthy preachers who are already within the service of the Church, because an indifferent matter is made into one of vital importance? If we insist on the outward observances of Catholicism, we give our Continental friends the idea that we are not truly Protestant, but still cling, or will soon return, to images, crosses, and tapers. Humphrey held that there was nothing wrong in the habits themselves, but that insistence upon them was a restraint of Christian liberty ill fitted for a Church in the position and of the character of the Anglican Establishment. He held up the threat that if the habits were insisted upon, the Church would lose the support and service of many who would otherwise give hearty allegiance. At root the differences were largely temperamental and matters of taste.

Parker would have been glad to give in; he grew tired of insisting.

> The Queen's Majesty willed my lord of York to declare her pleasure determinately to have the order to go forward. I trust her Highness hath devised how it may be performed. I utterly despair therein as of myself, and therefore must sit still, as I have now done, alway waiting either her toleration, or else further aid. Mr. Secretary, can it be thought, that I alone, having sun and moon against me, can compass this difficulty? If you of her Majesty's council provide no otherwise for this matter than as it appeareth openly, what the sequel will be *horresco vel reminiscendo*.[1] And must I do still all things alone? I am not able, and

[1] *Parker Corresp.*, no. ccxv.

must refuse to promise to do that I cannot, and is another man's charge. All other men must win honour and defence, and I only shame to be so vilely reported. And yet I am not weary to bear, to do service to God and to my prince; but an ox can draw no more than he can.[1]

But neither the opposition of a great part of her clergy, nor the influence of councillors could secure changes which the Queen did not desire. And she did not desire these, although she would not come out openly with support for her clergy in enforcing the things she wished. She did not like the barrenness and extremes of Continental Protestantism, and she did like form and pomp. Had there been any real, immediate danger to the Church, and hence to the government, from the dispute, it is probable that she would have given way as she did in other cases, but she sensed the situation too well to feel that it was necessary to give way. She felt that she might continue to maintain her absolute sway over the Church in this respect in spite of some factious individuals. To Parker's objection "that these precise folks would offer their goods and bodies to prison, rather than they would relent," Elizabeth replied by ordering him to imprison them then.[2] Several considerations in the situation made her insist that the habits and ritual be strictly observed. In the first place, it was the law, and the law must be enforced. In the second place, she felt that the question was not of enough importance to alienate any large body of the clergy. And her opinion was correct. Grindal wrote to Bullinger: —

> Many of the more learned clergy seemed to be on the point of forsaking their ministry. Many of the people also had it in contemplation to withdraw from us, and set up private meetings; but however most of them, through the mercy of the Lord, have now returned to a better mind.[3]

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[1] *Parker Corresp.*, no. ccxiii. *Cf.* also, *ibid.*, nos. cxiv, clxxvi, cciii, cccxxi.
[2] *Ibid.*, no. ccxiii. *Cf.* also, *ibid.*, nos. clxx, clxxi, ccxcii.
[3] *Zurich Letters*, no. cxi. *Cf.* also, *ibid.*, no. cxxi; *Parker Corresp.*, no. ccvii.

They would not give up their lately won places because of the mere wearing of a habit. Further, she was not so keen for preachers, devout and able, as was Humphrey.[1] She preferred that the Church slumber a little. A large body in the Church liked the habits and the forms; they did not desire, and some realized the inexpediency of making such radical changes that the service would seem unfamiliar to the people as a whole. Few of the Protestant officers of the Church felt it worth while to make any vigorous protest against their use in opposition to the wish of the Queen, and many condemned the agitators for stirring up discussion and controversy over the question. Nor did the Continental Reformers stand back of the extremists or take the view they were expected to take. They felt that opposition to the government Church was not worth while on such matters when the government was apparently so wholeheartedly opposing the Papacy. Bullinger wrote to Horn: —

> I approve the zeal of those persons who would have the church purged from all the dregs of popery. . . . On the other hand, I also commend your prudence, who do not think that churches are to be forsaken because of the vestments. . . . But, as far as I can form an opinion, your common adversaries are only aiming at this, that on your removal they may put in your places either papists, or else Lutheran doctors and presidents, who are not very much unlike them.[2]

And to Humphrey and Sampson the same divine wrote: —

> It appears indeed most extraordinary to me, (if I may be allowed, most accomplished and very dear brethren, to speak my sentiments without offence,) that you can persuade yourselves that you cannot, with a safe conscience subject yourselves and churches to vestiarian bondage; and that you do not rather consider, to what kind of bondage you will subject yourselves and churches, if you refuse to comply with a civil ordinance, which is a matter of indifference, and are perpetually contending in this troublesome way; because by the relinquishment of your office, you will expose the churches to wolves, or at least to teachers who

[1] *Cf.* Elizabeth's letter to Grindal, Prothero, *Select Statutes*, pp. 205, 206.
[2] *Zurich Letters*, no. xcviii.

are far from competent, and who are not equally fitted with yourselves for the instruction of the people.[1]

Elizabeth had her way. A few men lost their preferments, but the habits were worn. In itself the vestiarian controversy is an exceedingly dry, and, like so many of the discussions which have engaged the controversial genius of Christianity, silly, discussion; but its significance, as one of the breaking-points between the two wings of the Church, cannot be overemphasized. This controversy lies at the root of the matter. Added to the natural temperamental differences of taste, the discussion about the vestments dug up arguments, and stirred up feelings, and prepared the way for opinions, which, when developed, made continuous union impossible. But for a time the question slumbered. It never died out entirely; and the arguments used in this controversy lay at hand when the increasingly radical opinions of the discontented compelled them to diverge still more widely from the Established Church.[2]

That there should develop a more positive opposition was inevitable. That antagonism between the Church Established and Church Militant should grow sharp and bitter was in part the result of controversy and in part the result of the character of the men who carried on the work of the Anglican Establishment and of the opposition to the Establishment. It was a growing quarrel, increasing from these small beginnings to irreconcilable differences. Bacon has well described the nature of the development of this antagonism.

It may be remembered, that on their part which call for reformation, was first propounded some dislike of certain ceremonies supposed to be superstitious; some complaint of dumb ministers who possessed rich benefices; and some invectives against the idle

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[1] *Zurich Letters*, no. civ. *Cf.* also, *ibid.*, nos. xlii, xlvi, clvii, clviii; Strype, *Annals*, vol. I, pt. I, App., nos. xxiv–xxvii.

[2] *Parker Corresp.*, no. ccxii; *Zurich Letters*, nos. cix, cxii, cxxii, cxxix, clxxiii, clxxiv, clxxv, clxxvii.

and monastical continuance within the Universities, by those who had livings to be resident upon; and such like abuses. Thence they went on to condemn the government of bishops as an hierarchy remaining to us of the corruptions of the Roman church, and to except to sundry institutions as not sufficiently delivered from the pollutions of the former times. And lastly, they advanced to define of an only and perpetual form of policy in the church; which (without consideration of possibility or foresight of peril or perturbation of the church and state) must be erected and planted by the magistrate. Here they stay. Others, (not able to keep footing in so steep ground) descend further; That the same must be entered into and accepted of the people, at their peril, without the attending of the establishment of authority: and so in the meantime they refuse to communicate with us, reputing us to have no church. This hath been the progression of that side: — I mean of the generality. For I know, some persons (being of the nature, not only to love extremities, but also to fall to them without degrees,) were at the highest strain at the first. The other part which maintaineth the present government of the church, hath not kept to one tenor neither. First, those ceremonies which were pretended to be corrupt they maintained to be things indifferent, and opposed the examples of the good times of the church to the challenge which was made unto them, because they were used in the later superstitious times. Then were they also content mildly to acknowledge many imperfections in the church: as tares come up amongst the corn; which yet (according to the wisdom taught by our Saviour) were not with strife to be pulled up, lest it might spoil and supplant the good corn, but to grow on together until the harvest. After, they grew to a more absolute defence and maintenance of all the orders of the church, and stiffly to hold that nothing was to be innovated; partly because it needed not, partly because it would make a breach upon the rest. Thence (Exasperate through contentions) they are fallen to a direct condemnation of the contrary part, as of a sect. Yea and some indiscreet persons have been bold in open preaching to use dishonourable and derogative speech and censure of the churches abroad; and that so far, as some of our men (as I have heard) ordained in foreign parts have been pronounced to be no lawful ministers. Thus we see the beginnings were modest, but the extremes are violent; so as there is almost as great a distance now of either side from itself, as was at the first of one from the other.[1]

[1] Bacon, *Letters and Life* (Spedding ed.), vol. I, pp. 86–87.

Bishop Cooper's statement is more explicit, but essentially the same: —

> At the beginning, some learned and godly preachers, for private respects in themselves, made strange to wear the surplice, cap, or tippet: but yet so that they declared themselves to think the thing indifferent, and not to judge evil of such as did use them [Grindal, Sandys, Parkhurst, Nowel, 1562]. Shortly after rose up other [Sampson, Humphrey, Lever, Whittingham] defending that they were not things indifferent, but distained with antichristian idolatry, and therefore not to be suffered in the Church. Not long after came another sort [Cartwright, Travers, Field] affirming that those matters touching apparel were but trifles, and not worthy contention in the Church, but that there were greater things far of more weight and importance, and indeed touching faith and religion, and therefore meet to be altered in a church rightly reformed. As the Book of Common Prayer, the administration of the Sacraments, the government of the Church, the election of ministers, and a number of other like. Fourthly, now break out another sort [Brownists], earnestly affirming and teaching, that we have no church, no bishops, no ministers, no sacraments; and therefore that all that love Jesus Christ ought with all speed to separate themselves from our congregations, because our assemblies are profane, wicked, and antichristian. Thus have you heard of four degrees for the overthrow of the state of the Church of England. Now lastly of all come in these men, that make their whole direction against the living of bishops and other ecclesiastical ministers: that they should have no temporal lands or jurisdiction.[1]

It is characteristic of the first stages of this development that the leaders of the opposition tried to bring about the desired changes by what they conceived to be regular and lawful methods. The first important literary effort to secure the adoption of changes advocated took the form of an appeal to Parliament. The "First Admonition to Parliament," written by two ministers, Fielde and Wilcox, was not a proclamation of independence in religious and ecclesiastical matters, but an appeal to civil authority to correct the abuses within the Church, and to change it in accordance with Scriptural models. Its authors believed that the

[1] Cooper, *Admonition*, p. 16, quoted in Hooker, *Works*, vol. 1, p. 129, note 40.

national representative body had the right to alter the fundamental structure of the Church by statute. Their belief was justified by the fact that the acts of Parliament had undoubtedly created and given legal form to the Establishment which existed. They had not been able to carry their reforms in Convocation by the regular and ordinary means created by statute for ecclesiastical lawmaking and they, therefore, went behind Convocation to Parliament. In this belief and appeal, however, they disregarded the position of the Queen in the system and her determination to maintain it. She looked upon such appeal to Parliament as an infringement of her rights of supremacy over the Church. Parliament had vested the control of ecclesiastical affairs in her. She was determined to keep that control, and throughout the reign insisted, with more or less success, that Parliament keep its hands off ecclesiastical matters, even when the proposals were not those of malcontents.[1] Such an attitude on the part of the Queen was not calculated to satisfy the appellants, nor did it soothe the dignity of the Commons, but the fact remains that Elizabeth was able to make good her position and that the appeal of the "First Admonition" was punished as seditious.

The circumstances immediately preceding its publication made it doubly obnoxious to the Queen. In the Parliament of 1572 a bill was introduced in the Commons which provided that the penalties imposed by the existing religious acts for not using the prescribed rites and ceremonies should be in force "against such persons onely as do or shall use anie maner of papisticall service, rites or Ceremonyes," or who "use the same forme so prescribed more superstitiouslie" than authorized.[2] It also provided that, by permission of the bishop, any minister might be free to omit all, or any part, of the Prayer Book, or to use the service of the French or Dutch congregations. These drastic changes

[1] D'Ewes, *Journals*, pp. 132, 133; *Parker Corresp.*, nos. ccxxiv, ccxxv.
[2] *S. P., Dom., Eliz.*, vol. LXXXVI, nos. 45, 46, 48; *Puritan Manifestoes*, App. i.

were disliked by many, and a committee was appointed to frame another bill. The second bill restricted the penalties to those uses of the book which were Popish or superstitious, and gave some further liberty to the preacher. Speaker Bell stopped proceedings, however, by signifying "her Highness' pleasure, that from henceforth no more bills concerning religion shall be preferred or received into this House unless the same should be first considered and liked by the clergy." [1] It was immediately after this session of Parliament that the "Admonition" appeared.

> They did not only propound it out of time (after the parliament was ended), but out of order also, that is, in the manner of a libel, with false allegations and applications of the scriptures, opprobrious speeches, and slanders.[2] For if you ask of the time; the Admonition was published after the parliament, to the which it was dedicated, was ended. If you speak of the place; it was not exhibited in parliament (as it ought to have been), but spread abroad in corners, and sent into the country. If you inquire of the persons; it came first to their hands who had least to do in reforming.[3]

It was not strange that Elizabeth, already annoyed by the attitude of the Commons, should regard it as an attack upon her authority, and believe that it partook more of the nature of a seditious appeal to the people than an appeal to Parliament.

Wilcox and Fielde were lodged in prison, but that did not prevent the "Admonition" from becoming popular and widely circulated. A lively literary contest resulted. Bishop Cooper of Lincoln refuted the pamphlet in a sermon at Paul's Cross a week after Parliament closed. An anonymous reply to Cooper appeared almost immediately, and, in spite of the efforts of Archbishop Parker to discover the secret press,[4] within three months after its first appearance,

[1] D'Ewes, *Journals*, p. 213; *S. P., Dom., Eliz.*, vol. LXXXVI, no. 47.

[2] Whitgift, *Works*, vol. I, p. 39.

[3] *Ibid.*, p. 80. *Cf.* also, D'Ewes, *Journals*, pp. 160, 161; *Zurich Letters*, no. clxxxii.

[4] *Parker Corresp.*, nos. cccliii, cccxiii; Sandys to Burghley, Aug. 28, 1573; *Puritan Manifestoes*, App. vi.

the "Admonition" was twice printed in a second edition, while Fielde and Wilcox were still in prison. Closely connected with the "Admonition" were two treatises which appeared as one publication in September or October of the same year, "An Exhortation to the Byshops to deal brotherly with theyr Brethern," and, "An exhortation to the Bishops and their clergie to aunswer a little booke that came forthe the last Parliament." Shortly after the appearance of the "Admonition," its opponents compiled "A Viewe of the Churche that the Authors of the late published Admonition would have planted within this realme of England, containing such Positions as they now hold against the state of the said Church, as it is nowe." We have no copy of this tract, but its contents are made clear by an answer which appeared not earlier than September, 1572, under the title, "Certaine Articles collected and taken (as it is thought) by the Byshops out of a litle Boke entituled An Admonition to the Parliament with an answere to the same."

This series of attacks upon the Establishment represents the first stage of the Presbyterian movement. This stage is midway between the early Precisianist attacks upon the ceremonies and habits of the Church, and the active propaganda to establish the distinctive ecclesiastical organization of Presbyterianism. As in the case of the opponents of the vestments any resemblance to the practices of the Roman Church is sufficient basis for condemnation. But there is an advance from the early vestiarian position. The chief object of attack is not the ritual, but the organization and the spirit of the Church and the clergy. While the "Admonition" does not minimize the importance of abandoning the ceremonies which are copied from the ceremonies of the old Church, the chief and most telling part of its attack is directed against the church organization itself, because it is similar to the hierarchy of Rome, with its grades of rank, its ecclesiastical nobility, its courts, and faculties, officials and commissioners, its dispensations and licenses. The

likeness to Roman organization inevitably stamps its organization as wrong; the fact that it does not follow the New Testament pattern irretrievably damns it. They find in the proceedings of the bishops and other clerics who exercised secular functions, not simply, however, the externals of Roman, non-Scriptural organization, but the very spirit of papal episcopal rule and anti-Christian superiority. The Church deals more hardly with true Protestants like themselves, who are loyal to the Queen and to Christ's holy religion, than with the traitorous and anti-Christian Romanists.

In spite of the fact that they must have recognized that such arguments were covert attacks upon the connection between Church and State, they proclaimed their loyalty to the Queen and the government. They warned the Queen that such resemblance to Rome, such a Roman hierarchy within the kingdom, afforded the greatest encouragement to her Papist enemies. They pleaded that they were more truly her loyal subjects than the bishops who maintained such a state of affairs. Yet there is a note of rebellion against the secular dictation as represented by the Queen. In ancient times "nothing was taught but God's work and now Princes pleasures, mennes devices, popish ceremonies, and Antichristian rites in publique pulpits defended." [1] "The pope's canon law and the will of the prince must have the first place, and be preferred before the word and ordinance of Christ." [2] The Queen could not have relished the demand that Parliament see to it that "the statute may more prevaile than an Injunction."

The appeal that poor men may study the matters in dispute is a return to what is traditionally regarded as a fundamental principle of the Protestant revolt, the right of every man to judge his own soul's problems. To such a liberal as Sandys even, their position seems dangerously anti-aristocratic and democratic.

[1] *Puritan Manifestoes*, p. 12.
[2] *Cf.* "Parte of a Register," Grindal, *Remains*, p. 205.

It may easely appeare what boldenesse and disobedience theis new writers have alredy wrought in the mynds of the people and that agaynst the Civill Magistrate whome in words they seme to extoll but whose authoritie in very dede they labor to caste downe. For he seeth litill that doth not perceyve how that their whole proceedinges tend to a mere popularitie.[1]

In spite of a seeming democracy and love of liberty, in spite of the fact that they enter the plea which is now recognized as one of the greatest arguments against intolerance, the plea that persecution does no good,[2] these writers were not tolerant even within the narrow limits of Protestantism. If divergent, they would have all opinions suppressed except their own. They would substitute for the authority of the early Church fathers and antiquity, in matters of ecclesiastical organization and discipline, the authority of the New Testament. And when they said New Testament, they meant the verbally inspired text. Inasmuch as this is an absolute and more restricted authority, it necessarily implies a greater intolerance of all divergences. Yet as the New Testament does not cover so much ground as "antiquity," — that is, tradition, — they freed the Church from many "precepts of men," thus seemingly increasing the sphere of freedom. This greater freedom was, however, largely neutralized by their insisting that nothing should be done in the Church for which there was not a clear command of God.

In the autumn of the year in which the "First Admonition" appeared, Thomas Cartwright wrote and published the "Second Admonition to Parliament." Led by Cartwright, Presbyterianism now entered upon that long and wearisome literary conflict with the Anglican Establishment, which, even to-day, has not entirely fallen into the desuetude it deserves. Although a cluster of lesser lights surrounded them, the controversy centers about the works of Cartwright and Dr. John Whitgift. The two had clashed

[1] *Puritan Manifestoes*, p. 154. [2] *Ibid.*, p. 71.

before, and over substantially the same questions when Cartwright was Lady Margaret Professor at the University of Cambridge and Whitgift Master of Trinity College.[1] In that contest Whitgift succeeded in expelling Cartwright from the University, and Cartwright had gone to Geneva, where he had been confirmed in his opinions by his associations with the fountain-heads of Presbyterianism. He returned in 1572 at an opportune moment to take up his old quarrel with Whitgift. Excitement over the "First Admonition" was great. It was read on all sides. Whitgift had under way the construction of the official reply, "An Answere to a certen Libel intituled An Admonition to the Parliament," and Cartwright brought out the "Second Admonition" in time to receive his share of the worthy doctor's condemnation.

The "Second Admonition" may be regarded as marking a new stage in the controversy between dissent and Anglicanism; it marks the transfer in essential interest from condemnation of abuses to advocacy of a particular form of church polity, the Presbyterian.

> The other bokes are shorte (as it was requisite to present to you), and therefore they have not so muche tolde you how to Reforme, as what to Reforme. They have tolde you of many things amisse, and that very truely, they have tolde you in generall, what were to be restored, but howe to doe these things, as it is the hardest pointe, so it requireth, as themselves saye, a larger discourse. I meane therfore to supplie . . . something that may make to the expressing of the matter, so plainely, that you may have sufficient light to proceede by. . . .[2]

Unfortunately for those who are compelled to wade through the vast mass of literary polemic that resulted, the method of procedure presented in the "Second Admonition" was not so clear that the force of truth compelled its immediate acceptance. Cartwright's work is less interesting than

[1] Grindal, *Remains*, Letters, no. lxv, and note 4; Strype, *Whitgift*, vol. I, p. 19; Strype, *Annals*, vol. II, pt. I, App., nos. i, iii; *S. P., Dom., Eliz.*, vol. LXXI, no. 11.

[2] "Second Admonition," *Puritan Manifestoes*, p. 90.

the "First Admonition." Its tone is less earnest in that it is an intellectual, rather than an emotional, attack. In it we find the narrowing and hardening that almost inevitably accompany attempts to give practical organization to idealistic or moral theories. The emphasis shifts from moral and religious indignation, on a relatively high plane, to an intellectual presentation of a definite ecclesiastical polity. The "Second Admonition" and the development of the propaganda under Cartwright's leadership mark a distinct departure from the ground of the "First Admonition," as that work marks a breaking-away from those who merely desired reforms in the English ceremonial. The "Second Admonition" marks out the lines of development for a distinct and peculiar form of dissent, the Presbyterian. Not all dissenters followed that line of development. Cartwright succeeded in causing or forcing a division in the ranks of the reformers. Many who were most ardent in the struggle still further to modify the English Establishment toward Protestantism, particularly in regard to ceremonies, refused to follow Cartwright's extreme statements and positions.[1] Some of these contented themselves with remaining in the Church as churchmen with Precisianist tendencies, some withdrew in time to form churches more consonant with the spirit of Christianity than that proposed by Cartwright. Of these we shall speak more in detail after we have presented the course and the results of the Presbyterian development.

The "Second Admonition" and the Presbyterian movement logically developed from the opposition to Roman Catholicism manifested by the Vestiarians and the authors of the "First Admonition," but, more important, the "Second Admonition" developed the attack upon the Established Church organization and created the form and machinery for putting into operation the church organiza-

[1] *Zurich Letters*, nos. clxxxii, clxxxvi, cxcii, cxciii; Strype, *Annals*, vol. III, pt. II, App., no. xlix.

tion based upon Scriptural model which the "First Admonition" suggested.

By the consent of all, evidently, Cartwright was now regarded as the head of the opposition, and the controversy, so far as it was a Presbyterian controversy, was left pretty largely in his hands. He wrote at once, "A Reply to an Answere made of Doctor Whitgift," and then escaped to the Continent in time to avoid a warrant issued for his arrest by the Ecclesiastical Commissioners.[1] Elizabeth's proclamation against the two "Admonitions" [2] made that a safe vantage-ground to occupy. Whitgift followed him with a "Defence of the Answere," and at long range Cartwright discharged two more shots, "The Second Replie" in 1575, and "The Rest of the Second Replie" in 1577. To these Whitgift did not reply, evidently considering that his massive work, made available to the modern reader by the Parker Society, had said all that was desirable. He now trusted to less intellectual means to suppress his opponents. As Hook expresses it, "It is not necessary to pursue this controversy further, especially as it passed from the hands of Whitgift to those of Bishop Aylmer, by whom Cartwright was several times committed to prison." [3]

In the mean time another Presbyterian work, of more real importance than a great deal of the work of Cartwright, had appeared. Walter Travers, whom we have met before in connection with the question of ordinations, wrote, while on the Continent, a Latin presentation of the Presbyterian system, "Ecclesiastiæ Disciplinæ . . . Explicato." This Cartwright translated and published as, "A full and plaine declaration of Ecclesiasticall Discipline owt of the word of God and off the declininge off the church of England from the same." The "Book of Discipline," as it is familiarly

[1] *Zurich Letters*, no. cciii. *Cf.* Soames, *Elizabethan History*, p. 141.
[2] *S. P., Dom., Eliz.*, vol. xci, no. 47; *Zurich Letters*, no. cxc; *Puritan Manifestoes*, App. v; Strype, *Parker*, vol. ii, p. 320.
[3] Hook, *Lives of the Archbishops*, vol. v, p. 152 (New Series).

known, is a consistent and logical presentation of the Presbyterian system, and formed the party platform.[1]

From this series of works, and from minor, incidental tracts and letters, we derive the essentials of Presbyterian ecclesiastical polity in England, its attitude toward Catholics and Continental Protestantism, its relations with the Anglican Establishment and the government. We shall examine these things in the order mentioned.

[1] Dr. John Bridges answered Travers's book in *Defence of the Government Established in the Church of England for Ecclesiastical Matters*. Aylmer had been offered the task, but declined. *Parker Corresp.*, no. cccIxviii; Grindal, *Remains*, Letters, no. lxxviii.

## CHAPTER VII

### PROTESTANT DISSENT (*continued*)

THE familiar Presbyterian form of church organization is midway between the aristocratic Episcopalian and the democratic Congregational forms of ecclesiastical polity. The unit of the organization is the presbytery, made up of the ministers and elders of the local churches. Presbytery appoints and inducts the ministers and is the court of appeal for the local congregations. Local management is vested in a consistory session made up of the ministers and elders, subject in some respects to the wishes of the congregation, but, in effect, exercising practically its own discretion. The English system contemplated, also, provincial and national synods to serve for the consideration and settlement of church problems with which the local presbyteries were not competent to deal finally.

For this organization Scriptural authority was claimed. The pattern thus found in the Scriptures was the only right pattern for a Church of Christ; the New Testament made necessary the acceptance and the use of this particular organization.[1] There was no place for any other form, no authority equal to the Scriptures for the use of any other ecclesiastical organization. Presbyterian adherence to a particular form of organization, and assertion of a binding Scriptural obligation for its use, resulted in important consequences for the theory of relationship between various churches already existing.

Sharing with the Anti-Vestiarians, the Precisianists, and the authors of the "First Admonition," a hatred for all that was Roman Catholic in ritual and form, this theory, that

[1] Whitgift, *Works*, vol. II, pp. 6, 60, 195, 259; Hooker, *Ecc. Pol.*, bk. III, chap. V, sec. 1; chap. VII, sec. 4.

the New Testament commanded the use of the Presbyterian organization and condemned all others, gave to the adherents of this party a basis for condemnation of papal organization and Catholic ritual which the Anglican Church and the predecessors of the Presbyterians in discontent in England had lacked. The papal organization and the rites of the Roman Church were damnable and anti-Christian, not simply because of corruption and abuses, but because Christ had established another form of organization and other rites. They applied the test to the Church of England and found it base metal, for the Church of England likes "well of popish mass-mongers, men for all seasons, king Henry's priests, King Edward's priests, queen Mary's priests, who of a truth, if God's word were precisely followed, should from the same be utterly removed."[1] It thus gave ground for a more thorough-going opposition to, and a more utterly irreconcilable intolerance of, all that pertained to Catholicism. There was no need for Presbyterianism to appeal to political policy and national patriotism in justification of its opposition to Rome.

Inasmuch as the command of the New Testament to them entailed a religious duty or implied one,[2] since anything not there authorized was, to the Presbyterian mind, unsavory in the nostrils of the Lord, Presbyterianism became the advocate of an intolerant and exclusive theory. It substituted, within the sphere of ecclesiastical organization, the authority of the Scriptures for the authority of reason, drew "all things unto the determination of bare and naked Scripture."[3] The sphere of religious tolerance narrows and expands directly in proportion to the number of things that are added to, or removed from, the sphere of religious

[1] Cartwright, *apud* Whitgift, *Works*, vol. I, p. 317. *Cf. ibid.*, vol. I, p. 115. In later editions " King Edward's priests" was omitted. *Cf. Cambridge History of English Literature*, vol. III, p. 403.

[2] *Zurich Letters*, no. clxxvii; Whitgift, *Works*, vol. I, p. 26, note 3; pp. 180, 183; Hooker, *Works*, vol. I, p. 227, note 61.

[3] Hooker, *Ecc. Pol.*, bk. II, chap. VII, sec. I.

necessity. In so far as ecclesiastical polity is brought into the forefront of religious propaganda, it becomes narrow and intolerant. Anglicanism removed ecclesiastical polity from the list of things religiously essential; polity was a matter of indifference to be regulated and changed in accordance with the needs and circumstances of time and place. ". . . That any kind of government is so necessary that without it the church cannot be saved, or that it may not be altered into some other kind thought to be more expedient, I utterly deny," wrote Whitgift.[1] Anglicanism may have been intolerant of diversity in matters of polity and ritual, but it was an intolerance based, not upon a theory that these things were religiously important, but upon the belief that the legal establishment of certain forms by national legislation and the safety of the kingdom necessitated their observance. Apart from the religious question, reason may well decide that enactments by a national assembly based on political necessity are more justifiably insisted on than any dogmatic consideration. By this test Presbyterianism represents a backward tendency in the development of toleration.

The results of this theory of a divinely originated presbytery were not confined to the additional basis given for condemnation of Catholics. All forms of Protestantism not following the New Testament model were open to the same condemnation as the Catholic Church. Lutheranism and Anglicanism were equally detestable. Cartwright went so far as to say, "Heretics" — and by heretics he meant those not Calvinistic — "ought to be put to death now," and he backed his extreme statement by the assertion that, "If this be bloody and extreme I am content to be so counted with the Holy Ghost."[2]

. . . To say that any magistrate can save the life of blasphemers, contemptuous and stubborn idolaters, murderers, adulterers,

[1] Whitgift, *Works*, vol. I, p. 184.

[2] Cartwright, *Second Reply*, *apud* Whitgift, *Works*, vol. I, p. 116, note 1. *Cf.* also *ibid.*, vol. I, p. 386.

incestuous persons, and such like, which God by his judicial law hath commanded to be put to death, I do utterly deny, and am ready to prove, if that pertained to this question, and therefore, although the judicial laws are permitted to the discretion of the prince and magistrate, yet not so generally as you seem to affirm, and as I have oftentimes said, that not only must it not be done against the word but according to the word and by it.[1]

It is, however, in connection with the condemnation of Anglicanism that the results of the Presbyterian ecclesiastical polity are most significant. The Anglican Church did not claim that it followed apostolic practice in church organization; it admitted that it did not. It said the form of organization was not an essential matter. Cartwright's older contemporaries in dissatisfaction were in substantial agreement with the Anglican Establishment upon the essential indifference of ecclesiastical polity, but in so far as they attacked the organization at all, maintained that the Anglican organization was inexpedient. Cartwright united with them in attack upon the resemblance of Anglicanism to Rome.

Remove homilies, articles, injunctions, and that prescript order of service made out of the mass-book. . . . We must needs say as followeth, that this book is an unperfect book, culled and picked out of that popish dung hill, the portuise and mass-book full of all abominations. . . . It is wicked, to say no worse of it, so to attribute to a book, indeed culled out of the vile popish service-book, with some certain rubrics and gloses of their own device, such authority, as only is due to God in his book. . . . Again, when learned they to multiply up many prayers of one effect, so many times Glory be to the Father, so many times The Lord be with you, so many times Let us Pray? Whence learned they all these needless repetitions? is it not the popish Gloria Patri?[2]

He attacked the wealth and pomp of the Anglican ecclesiastics, but departed from the position of the Admonishers by maintaining that the Anglican Church was wrong in its

[1] Cartwright, *apud* Whitgift, *Works*, vol. I, p. 270.

[2] Cartwright, *Second Admonition*, *apud* Whitgift, *Works*, vol. I, p. 119, note 6.

very essence.[1] New Testament authority necessitated another form of organization, and for the establishment of the new, the Church already established must give way. Theocratic, exclusive Calvinism must be substituted for the merely expedient and comprehensive Episcopalian Establishment. The Anglican Church was an attempt to nationalize the religious organization, with loyalty to the Queen as its fundamental article. The Presbyterian programme was an attempt to create a narrow, national, sectarianism founded upon exclusively Biblical authority. Political needs were a secondary consideration, although it is true that their antagonism to the Papacy served as a strong argument for the observance of that political policy which they deemed most wise for the nation and royal safety — absolute suppression of all Catholics.

From the Presbyterian opposition to Anglicanism, thus based upon Scriptural authority, resulted important consequences in Anglicanism itself. Anglicanism began the formulation, as we have pointed out in a previous chapter, of a divine right theory of episcopacy to meet the claims of Presbyterianism. It abandoned the old basis of its apologetic, expediency and antiquity, and substituted other arguments. This shift took two directions. First, a return, with the Presbyterians, to an exclusively Scriptural authority where authorization of the Episcopal form was found; and second, the development of an entirely new line of argument which based the authority of Scriptures and of religion itself upon reason. The Scriptures could be used by Anglicans in defense of their peculiar organization as forcefully as in defense of the Presbyterian. This appeal was made at first with desire simply to refute the Presbyterian argument that Anglicanism had no Scriptural basis, without implying that, when found, Scriptural authority should be used to maintain an exclusively Episcopalian polity as the

[1] Cartwright himself did not believe in, or practice, separation from the Anglican communion, however.

Presbyterians maintained an exclusively Presbyterian one; but it was perhaps inevitable, in the face of Presbyterian attack and argument, that Anglicanism should make, with Presbyterians, but in opposition to them, the logical step to maintenance of a divinely instituted and exclusive form of ecclesiastical polity. This logical advance was not made decisively in Elizabeth's reign. A theory of divinely appointed Presbyterianism or Episcopalianism was antagonistic to the political dominance which the Queen insisted upon maintaining,[1] and to which, for the sake of self-preservation, the Church was compelled to assent. Anglicanism, however, was turned toward the theory of an apostolical episcopal succession, and as soon as governmental opposition was withdrawn by the death of Elizabeth, it proceeded to develop within its ranks a sectarianism as contracted as that of its enemies.

The suggestion of Hooker in his "Ecclesiastical Polity," that reason had to rule in all cases even though arguing from a basis of verbally inspired Scripture, served as better ground for the apologetic of a Church so subservient to royal power and political policy as was the Anglican Establishment. That the rule of reason was, however, as opposed to Episcopalianism as to Presbyterianism, was a fact which neither Hooker and his party, nor the party of opposition, recognized until many years after our period, when men began to ascribe their conversion to Roman Catholicism to the teachings of the "Ecclesiastical Polity."

Of less real importance than the advocacy of a particular form of church polity by the Presbyterians, was their opposition to Anglicanism upon doctrinal grounds. Presbyterian polity was inseparably linked with the extremes of Calvinistic doctrine. Anglicanism was, as we have pointed out

[1] Had Elizabeth set up claims to rule by divine right, as did her successor and the French monarchs, there would have been no necessary antagonism between a divinely appointed Episcopal organization and her dominance. But Elizabeth's power was not based on "a divine right" theory.

above, tied to no articulated system of dogma; its standards were indefinite and theologically inclusive. This gave adequate grounds to Presbyterians for condemnation of Anglican belief, independently of their condemnation of Anglicanism on the score of polity. Accusations of Lutheranism were not relished by many of the bishops. Most of them classed together, "wolves, Papists, Lutherans, Sadducees and Herodians,"[1] and asserted that, "as he [the Devil] is unable to restore popery altogether, he is endeavouring, but imperceptibly and by degrees, to bring us back to Lutheranism."[2] They were for the most part Calvinistic themselves, but, from the standpoint of toleration, it is fortunate that their Calvinism did not express itself decisively in the creeds and articles of the Establishment. Whitgift's attempt to impose the Calvinistic Lambeth Articles upon Anglicanism fortunately failed. We have Elizabeth to thank for this, however great be the reproach we may feel justified in casting upon her for less beneficent exercise of her royal power. The liberality resulting from this freedom from dogmatic exclusiveness, gave occasion for some of the most strikingly intolerant utterances of Presbyterianism. They felt that the Church was too generous, too broad, its charity too closely allied to lack of zeal in the Lord. They objected that some of the prayers of the English Service were too charitable in view of what could properly be asked of the justice of God. "They," the Radicals said, "pray that all men may be saved without exception; and that all travelling by sea and land may be preserved, Turks and traitors not excepted . . . in all their service there is no edification, they pray that all men may be saved."[3] Undoubtedly some men should be damned. The doctrinal opposition of the Presbyterians did not result in an increased hardening of Anglican dogmatic standards

[1] *Zurich Letters*, no. cviii.
[2] *Ibid.*, no. cxxx. *Cf. ibid.*, nos. cxxiv, cxi, cxxi, ccxv.
[3] Nares, *Burghley*, vol. III, p. 348. *Cf.* "First Admonition," *Puritan Manifestoes*, p. 29; Hooker, *Ecc. Pol.*, bk. V, chap. XXVII, sec. 1, p. 346.

comparable to the increased rigidity of its ecclesiastical polity. We even find in Hooker statements which indicate that the prevalent Calvinism was too uncompromising for the Anglican Establishment.

Incidental to Presbyterian defense of an exclusive New Testament ecclesiastical polity, insistence upon Calvinistic theology, and attack upon Anglicanism, Presbyterianism has some points of interest deserving of mention. One of the most insistent and important claims made for Presbyterianism is that it is in general, and was in particular during the reign of Elizabeth, the champion of liberty and democracy. Were this true, minor considerations of narrow theology and polity would sink into oblivion, when compared to the great service thus rendered to the cause of toleration. The justification for these claims is found, ordinarily, in the fact that in Parliament the chief defenders of the liberties of Parliament in opposition to the absolutism of Elizabeth were also found in opposition to the Established Church.[1] The questions which gave rise to the greatest assertion of Parliamentary right were, during the time when the Presbyterian controversy was at its height, questions of ecclesiastical polity and reform. The union of the question of national liberty with the question of ecclesiastical dissent was natural. Further, it is obvious that during this period the champions of national liberty were champions also of ecclesiastical dissent. But the obvious fact does not state the truth quite accurately. The greatest champions of the liberties of Parliament took occasion to voice their claims as questions of any sort gave them occasion to do so. During this period the questions of Church abuses, and the right to consider them, were the questions about which the conflict with the government and the Queen centered. At a later time these topics had sunk into the background, and the fight for Parliamentary liberties went on over the question of patents and monopolies. In so

[1] Whitgift, *Works*, vol. I, pp. 42, 262; vol. II, pp. 264, 398.

far as ecclesiastical dissenters were the champions of liberty, we would not deny to Presbyterians their fair share in any glory that may be derived therefrom. But they have no exclusive claims. Alongside of Presbyterians in this opposition were those within the Church itself, by no means advocates of Presbyterian doctrines, those whom we call Precisians, those actuated merely by desire to embarrass the bishops, lovers of liberty to whom the religious questions merely gave occasion for opposition to encroachments upon it by the sovereign, other types of dissent more truly democratic in their religious and ecclesiastical theory than the Presbyterian.[1] Presbyterians were allied with these opponents of royal absolutism; that was the only possible escape from the consequences of their religious and ecclesiastical principles; but their championship did not arise from the liberal character of those religious and ecclesiastical opinions.

Presbyterian principles of ecclesiastical organization were not democratic, but aristocratic. Appeals to fears of Englishmen that the bishops were seizing, or would seize, excessive power similar to that possessed by the Catholic bishops might touch a real danger, but were not consistent with proposals to set up a governing ministry like that of Scotland or Geneva. Arguments against concentration of wealth in religious men's hands, to the deprivation of the poor, arguments against religious rank and lordship, as contrary to Scriptural example, have in themselves nothing to do with championship of democracy and came with bad grace from those who proposed to establish such an aristocratic and exclusive system as the Presbyterian. An ecclesiastical system of standards which would limit church membership to those who accepted a dogmatic theological doctrine so precise as that of Calvin, is, in the last analysis, as undemocratic as its theology. However aristocratic is the

[1] *Parker Corresp.*, no. cccxxi; Cartwright, *apud* Whitgift, *Works*, vol. 1, p. 390.

Episcopalian form of government, it was one of the glories of Anglicanism that it was inclusive and liberal in its theological requirements. Outward conformity to established forms it may have demanded; submission of the private judgment to the confines of a theological system it did not. Even subscription to the doctrinal articles which it asked was made liberal by the indefinite character of those articles, an indefiniteness which admitted of interpretation consonant with a whole range of theological opinion. Presbyterian Calvinism certainly fails to satisfy one of the most important requisites of any democratic system, individual freedom.

To one unprejudiced by adherence to any sect it must be hard to see the justice in Presbyterian claims to championship of civil and religious liberty. Presbyterianism was not tolerant; it was not democratic in ecclesiastical or theological theory. Its purpose was the substitution on a national scale of theocratic, exclusive Calvinism for political inclusive Episcopalianism. Ecclesiastically it was exclusive, theologically it was intolerant. Nor can we see in its theory of the relationship between Church and State any great contribution to the principles of liberty and toleration.

Condemning as they did all other forms and all other doctrines, upon the basis of Scriptural truth, it might have been expected that Presbyterians would advance the tolerant suggestion that such obvious Scriptural authority be left to work conformity and uniformity by its simple presentation in preaching and teaching. As we have seen, however, they felt that the force of truth works but slowly, and that the need for acceptance of Presbyterian ecclesiastical and theological dogma was urgent. They proposed that the government compel the acceptance of both at once. The relations, therefore, between Church and State were not to be severed, but to be made closer, in order, not that political needs might be served by the Church, but that political

power might do the will of God as interpreted by the Presbyterians.

They would beare men in hand that we despise authoritie, and contemne lawes, but they shamefully slaunder us to you, that so say. For it is her majesties authoritie we flye to, as the supreme governour in all causes, and over all persones within her dominions appointed by God, and we flie to the lawes of this realme, the bonds of all peace and good orders in this land. And we beseche her majestie to have the hearing of this matter of Gods, and to take the defence of it upon her. And to fortifie it by law, that it may be received by common order through out her dominions. For though the orders be, and ought to be drawne out of the booke of God, yet it is hir majestie that by hir princely authoritie shuld see every of these things put in practise, and punish those that neglect them, making lawes therfore, for the churche maye keepe these orders, but never in peace, except the comfortable and blessed assistance of the states and governors linke in to see them accepted in their countreys, and used.[1]

The Queen was not to dictate to the new Establishment as she dictated to the Episcopalian one.

No civil magistrate in councils or assemblies for church matters can either be chief moderator, overruler, judge, or determineer, nor has such authority as that, without his consent, it should not be lawful for ecclesiastical persons to make any church orders or ceremonies.[2] Church matters ought ordinarily to be handled by church officers. The principal direction of them is by God's ordinance committed to the ministers of the church and to the ecclesiastical governors. As these meddle not with the making civil laws, so the civil magistrate ought not to ordain ceremonies, or determine controversies in the church, as long as they do not intrench upon his temporal authority. 'T is the princes province to protect and defend the councils of his clergy, to keep the peace; to see their decrees executed: and to punish the contemners of them: but to exercise no spiritual jurisdiction. "It must be remembered that civil magistrates must govern the church according to the rules of God prescribed in his word; and that as they are nurses so they be servants unto the church; and as they rule in the church, so they must remember to submit themselves

[1] "Second Admonition," *Puritan Manifestoes*, p. 130. *Cf. Theses Martinianæ*, Pierce, *Marprelate Tracts*, p. 309.

[2] But *cf.* the Act of Uniformity on this point.

unto the church, to submit their sceptres, to throw down their crowns before the church, yea, as the prophet speaketh, to lick the dust off the feet of the church." [1]

Rhetorical as this language undoubtedly is, it is strikingly similar in sentiment, as well as expression, to the language of some of those great bishops of Rome whom the Protestant Reformers denounced so heartily. This presents clearly enough the relationship which it was proposed should exist between Church and State when Presbyterianism was established. This was essentially the true position of Elizabethan Presbyterianism, although we find the point obscured by numberless protestations of ministerial humility. They were loyal inasmuch as they were whole-heartedly opponents of her most dangerous enemies, the Papists. They acknowledged her supremacy in temporal things, and over spiritual persons in temporal matters.

If the question be, whether princes and magistrates be necessary in the church, it holdeth that the use of them is more than of the sun, without the which the world cannot stand. If it be of their honour, it holdeth that, with humble submission of mind, the outward also of the body, yea the body itself, and all that it hath, if need so require, are to be yielded for the defence of the prince, and for that service, for the which the prince will use them unto, for the glory of God, and maintenance of the commonwealth.[2]

They were humble and unpretentious inasmuch as they were suppressed and felt their lack of power. In spite, therefore, of these protestations the Presbyterians came into conflict with the government and were subject to suppression by the government.

The religious acts intended primarily for the suppression of Papists afforded the legal basis for the prosecution and the Presbyterians protested that "lawes that were purposely

[1] Quoted in Madox, *Vindication of the Church of England*, p. 122. *Cf.* also, "Second Admonition," *Puritan Manifestoes*, p. 93; Cartwright, *apud* Whitgift, *Works*, vol. 1, p. 390; *ibid.*, pp. 27, 377; *Zurich Letters*, nos. clxxxvii, cxciv.

[2] Cartwright, *apud* Whitgift, *Works*, vol. 1, p. 20. *Cf.* also, *ibid.*, vol. 1, pp. 21, 79, 82, 105.

made for the wicked, be made snares by you to catch the godly."[1] Until the drastic legislation of 1593, the provision of the act,[2] which demanded that all clerics below the dignity of bishop should subscribe to "all the articles of religion which only concern the confession of the true Christian faith and the doctrine of the sacraments" comprised in the Thirty-nine Articles, served as the legal basis of restraint upon the nonconformists. The phrase was interpreted by the bishops to mean that by the act subscription was required to all the Articles, those relating to the government as well as those relating to the doctrine of the Church.[3] The opponents of the bishops interpreted it as meaning that subscription was required by the act to the articles of religion only. Under the leadership of Whitgift the Church proceeded, by means of the Ecclesiastical Commission and the oath *ex officio*, to subject the dissenters to great hardships. In this course Whitgift had the support of the Queen, although he was impeded sometimes by the opposition of members of her Council. For the most part, however, this unofficial governmental opposition was not exercised because of favor to Presbyterian principles, but because of dislike for the ecclesiastical aggrandizement of the bishops and their harshness. A great deal of the severity shown during this period was due to the personal character of the men in charge of ecclesiastical affairs, men like Whitgift, Bancroft, and Aylmer, rather than to a consistent regard for the principles of the Establishment. The opposition to their proceedings by Cecil and other men of influence was excited by humanitarian principles, rather than by intellectual or religious sympathy with those who suffered from the proceedings of the bishops.

[1] "An Exhortation to the Byshops to deale Brotherly with theyr brethren," *Puritan Manifestoes*, p. 67; Burrage, *English Dissenters*, vol. II, Illustrative Documents, p. 21.

[2] 13 Eliz., c. 12.

[3] D'Ewes, *Journals*, pp. 132, 160, 184; Strype, *Whitgift*, bk. III, App., no. xvi.

Convinced as they have been of the injustice of charges of disloyalty made against the Presbyterians, defenders of that system have usually dismissed the charges as having no other basis than the vindictiveness of the bishops, with their cry of "Disloyal to the Church, Disloyal to the Queen."[1] Without holding a brief for the ecclesiastics, we find more reasonable ground for the prevalence of these charges on the part of both ecclesiastical and secular leaders, and for their acceptance by the Queen. Elizabeth was not so subject to the influence of her bishops that she would permit them to impose their merely ecclesiastical hatreds upon her. The men supposed to have the greatest influence upon her personal opinions were not subservient to the bishops nor in sympathy with them ecclesiastically.

To a man like Cecil, with his high conception of the royal prerogative and power, the ecclesiastical conditions in Scotland were sufficient reason for rejecting Presbyterianism. The Presbyterian theory of the relation between Church and State would subordinate the Queen to the clergy.[2] That the advocates of such theories should be suppressed and restrained by the Queen was inevitable. She had a high conception of her position and she was determined to maintain it. The statutes of the realm gave her the advantageous position in such a contest; she could legally suppress such variations. But had this not been true, it is certain that she would have used her prerogative in spite of law; interpretation of an ambiguous phrase in the statute of 1571 was by no means the full measure of the lengths she would have gone had it been necessary. Yet there is in her attitude little that suggests religious intolerance. Such measures as she took, or were taken at her

[1] *Parker Corresp.*, nos. cccxxv, cccxxvi, cccxxxi, cccxxxiii, ccclxix; "Second Admonition," *Puritan Manifestoes*, p. 92; Whitgift, *Works*, vol. I, pp. 20, 393, 423, 466; vol. II, pp. 263, 399; Usher, *Reconstruction*, vol. I, p. 45, note 2.

[2] *Zurich Letters*, nos. xxxviii, note 3; clxxxv; Strype, *Annals*, vol. IV, no. xciv; Hooker, *Works*, App., no. ii to bk. v of *Ecc. Pol.*; Cooper, *Admonition*, p. 86; *Parker Corresp.*, no. lxii.

direction, have in them nothing of the spirit of religious persecution. Elizabeth was influenced by no religious narrowness in her treatment of any of the bodies of dissent; political policy was the absolutely controlling motive in her suppression of nonconformity in all its phases. This may seem an extreme statement in view of the measures taken by her ecclesiastical officers, evidently at her direction; but the degree of coercive power she placed in their hands was determined by the political necessity she felt for maintaining her supremacy over the ecclesiastical establishment of the realm, not by the positive ecclesiastical intolerance of spirit which actuated some of the bishops who administered that power. In the case of the Presbyterians, rabid anti-Catholic propaganda, appealing to national sentiments of detestation for the Papacy, threatened not only the stately forms and ceremonies which she loved, but, more important still, it endangered that policy of conciliation and moderation toward non-political Catholics which she felt compelled to maintain in the face of its unpopularity with some of her closest advisers, and, during the last twenty years of her reign, with a great body of the best educated and most conscientiously loyal of her subjects. The extreme, uncompromising attitude of Presbyterianism toward all that savored of Catholicism was not to her liking. She preferred the old forms. The Church of England was sufficiently compliant, and there was room in its policy for such winking at Catholicism as secular politics made necessary. Elizabeth was willing to use the radical element as a means of keeping political Catholicism in check, but did not intend that the extremists should so gain the upper hand that loyal and merely religious Catholics should be forced into opposition to her.

Similarly, the exclusive ecclesiastical polity of the Presbyterians and their mathematical system of theology, which carried with them active condemnation of those Continental churches which were not Genevan in form and

doctrine, might be supposed to threaten the friendship which she wished to maintain with all forms of Protestantism, Lutheran as well as Calvinistic. There is little direct evidence to prove that this aspect of Presbyterianism was given much consideration, but the conclusion that this may have in part influenced the attitude of the Queen, is at least reasonable, in view of her desire to be regarded as the champion of all anti-papal movements. That repression of Presbyterian leaders and thought would alienate their Continental sympathizers, may have in part determined the fact that it was not against Presbyterian dissent that the most severe and persistent repression was directed, but against those types of nonconformity which originated in England itself and were, therefore, not representative of a wing of Continental reform.

With the assistance of the bishops, Elizabeth was made to feel the full force of any possible arguments that could be urged against the Presbyterians on the score of disloyalty. Absurd as such charges were from the standpoint of the personal feelings of the representatives of the movement, there was, nevertheless, that in their theory and their writings which might easily be interpreted as more disloyal than was mere condemnation of the Established Church.

### NON-PRESBYTERIAN DISSENT

In regard to the opinion and practice of the nonconforming Protestant movements which did not ally themselves with Presbyterianism, and have a different development, and other theories of relationship to the Established Church, to the State, and to the other religious communions, it is difficult to generalize. There developed from the early opposition to the Anglican Establishment a variety of minor movements and sects, other than the Presbyterian. The most important of these, though marked by the widest diversity, belong to that group of ecclesiastical and religious sects from which the Congregational theory and system of

ecclesiastical organization developed. We include under the genetic name of Congregational the Barrowists, the Brownists, the Anabaptists, and with reservations the opinions of Penry, Greenwood, Robinson, and the writer or writers of the Martin "Marprelate Tracts," and individuals who share the essential characteristic of the group, but who are not to be classed definitely with its main divisions. Our interest is not primarily with the minutiæ of the ecclesiastical or religious beliefs of individuals, and it is not necessary to regard minor phases of dogma and practice in the opinions of individuals which seem to separate them from the leaders of the Congregational movement.

The idea at the root of all the somewhat heterogeneous groups of religious opinion thus classified was the idea that the Church should not be an inclusive body whose standards of belief and admission to membership were dictated by state policy.[1] Current opinion required that all men belong to the Church; hence kindliness of heart and of judgment required that all men be admitted easily or even compelled to enter the ecclesiastical body established by law.[2] This opinion the Congregational groups rejected. They would have no easy application of the parable of the wheat and the tares so far as church membership was concerned. Barrow in the Fleet Prison in 1590 wrote: —

> Never hath all kinds of sinne and wickedness more universally raigned in any nation at any time yet all are received into the church, all made members of Christ. All these people with all these manners were in one daye, with the blast of Q. Elizabeth's trumpet of ignorant papistes and grosse idolaters, made faithful Christians and true professors.[3] [The Church of England is composed of] all the profane and wicked of the land, Atheists, Papists, Anabaptists, and heretics of all sorts, gluttons, rioters, blasphemers, purgerers, covetous, extortioners, thieves, whores,

[1] Burrage, *English Dissenters*, vol. II, pp. 29, 32.

[2] Cardwell, *Doc. Annals*, vol. I, pp. 321, 383, 387; Strype, *Whitgift*, vol. III, p. 71.

[3] Barrow's examination, printed in Arber, *Introd. to Marprelate Controversy*, pp. 41–48.

witches, connivers, etc., and who not, that dwelleth within this land, or is within the Queen's dominions.[1]

Free from the State and all outside control, the local church should be made up of individuals conforming to, and judged worthy by the standards of belief and practice determined upon by a group already accepting and living according to those standards. Browne defined the church as

> The Church planted or gathered in a company or number of Christians or believers, which, by a willing covenant made with their God, are under the government of God and Christ, and keep His laws in one holy communion. The Church government is the lordship of Christ in the communion of His offices, whereby His people obey His will, and have mutual use of their graces and callings to further their godliness and welfare.[2]

Thus their idea of a church was that of a body of spiritually fit persons united for worship together and for communion with God. Because the local church thus stood by itself, self-sufficient and with full authority to create its own machinery of administration, and to formulate its own doctrinal standards, within the ranks of Congregationally organized churches we find great diversity of opinion and practice.

The standards are usually as narrow religiously as those of Presbyterianism, for the ideal to be reached was absolute truth and holiness of life, and in the pursuit of absolute truth, men of ability or of spiritually earnest zeal, though often unlearned, in that day sought to express their spirit in the statements of dogmatic theology, rather than in the formulation of the broad principles essential to the religious life. They felt that these religious truths might be formulated by the unlearned as well as by the learned and

[1] Barrow, *Brief Discovery of the false Church*, vi, 9. *Cf.* Whitgift, *Works*, vol. I, pp. 382, 385; Hooker, *Ecc. Pol.*, bk. III, chap. I, sec. 7; *Works*, vol. II, p. 63, note 18.

[2] *Cf.* Burrage, *English Dissenters*, vol. II, pp. 60, 139; Hooker, *Works*, vol. II, p. 63, note 18.

attacked the Presbyterians for emphasis on an educated ministry.

> These Reformists howsoever for fashion sake they give the people a little liberty to sweeten their mouths and make them believe that they should choose their own ministers, yet even in this pretended choice do they cozen and beguile them also, leaving them nothing but the smoky, windy title of election only, enjoining them to choose some university clerk, — one of those college birds of their own brood, — or else comes a synod in the neck of them, and annihilates the election whatsoever it be.[1]

This contempt for the aristocracy of learning and this democratic confidence in the people may have been promoted by the fact that lay readers were employed in the services of the Established Church. Mechanics and artisans took part in, and conducted parts of the services of the State Church, and hence the people saw no great incongruity when men in humble circumstances assumed independent leadership.[2]

Browne, who is usually regarded as the father of Congregationalism, had a hard time to find enough men to accept his formulation of rules of faith and practice to make a church, and parted with his congregation in anger because some would not agree to the rules he laid down. It is characteristic of the local church principle, however, that each local church recognizes the other churches, whatever their polity, Congregational, Presbyterian, or Episcopalian, as true churches of Christ, although Anglicanism and Presbyterianism might be regarded as corrupted by mistakes and condemned for unchristian refusal to practice the principles of religion as the Congregationalist understood them.

> And in the meane tyme (as yt becometh us to iudge) we are perswaded that her Maiestie and many thowsandes of her Subiectes (who as yet differ in iudgment amongst themselves and from us in many thinges) are the deare Children of God, and heyres of saluation through faith in Christ Ihesus, etc.[3]

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[1] Barrow, quoted in Dexter, *Congregationalism*, p. 239.
[2] Burrage, *English Dissenters*, vol. II, p. 29.
[3] *Ibid.*, p. 69. *Cf.* also pp. 67, 84, 104.

Congregationalists make a great deal of the ecclesiastical liberalism of Congregational principles, but neglect the facts of withdrawal upon religious grounds from communion with English and Continental Protestants.[1] Religiously Congregationalists were more precise and intolerant than either Anglicanism or Presbyterianism, but ecclesiastical narrowness and intolerance are foreign to the principles upon which the system of local churches is based. Owing to the narrowness of accepted religious principles in almost all of the Congregationalist churches, this ecclesiastical tolerance did not extend to the individual. Churches were regarded as the units and were to be permitted a freedom and looseness of coöperation that appeared anarchistic in Elizabeth's day. Yet, as it was thus more individualistic and democratic, so it was a less effective form of organization than Presbyterianism or Anglicanism.

Presbyterianism had an orderly sense consonant with its propaganda to establish a particular form of church government; it attempted, with a reasonable degree of success, to keep within the letter of the law.[2] The groups of Congregationalism were not allied to any one form of ecclesiastical organization, strictly speaking, nor indeed to any one form of theological doctrine. They lacked, therefore, the sense of organization cohesiveness. Hooker summed it up in the statement, "Yea, I am persuaded, that of them with whom in this cause we strive, there are whose betters amongst men would be hardly found, if they did not live amongst men, but in some wilderness by themselves."[3] Congregationalism did not undergo that institutional hardening which made the Presbyterian movement at least capable of understanding Anglican concern at divergence, and patient to

[1] Burrage, *English Dissenters*, vol. II, p. 83; Hooker, *Ecc. Pol.*, bk. v, App. no. ii, p. 63, note 16; bk. III, chap. I, sec. 10, p. 224; Strype, *Annals*, vol. IV, no. lxii.

[2] Cf. Strype, *Whitgift*, vol. III, pp. 262, 283, 284; vol. II, p. 84; Usher, *Presbyterian Movement*, pp. 92, 93, 31, 36, 38.

[3] Hooker, *Ecc. Pol.*, bk. I, chap. XVI, sec. 6.

use intelligent and orderly methods of displacing it. The lack of unity, ecclesiastically and dogmatically, in Congregationalism, moreover, prevented the concerted action which Presbyterianism was able to bring to bear in the attack upon the Established Church.

In spite of the inadequacy of its ecclesiastical organization, or perhaps because of it, the whole group is characterized by a religious enthusiasm and intense religious fervor that are foreign to the Anglican Church, and in great part to Presbyterianism also. It is this intensity of religious feeling, as distinct from intellectual conviction of the truth of theological dogma, rather than the championship of their own Congregational polity, that lies at the basis of their condemnation of others. Toward Catholics this antagonism goes to great lengths. The expressions of denunciation and invective reach a heat even more fervid than that of the most enthusiastic Presbyterian. "That most dreadfull Religion of Antichrist, the great enemye of the Lord Ihesus, and the most pestilent adversary of the thrones of kinges and Princes"[1] was so much an object of horror that language seemed to fail to express the depth of their abhorrence. Here, too, lay essentially the cause of their denunciation of the Anglican Church. Although their attacks, like the attacks of Presbyterians, are directed against the ceremonies, the government, the officials, the courts, and the abuses of the Church, there is in their polemic a note of burning zeal that sometimes almost reaches the height and earnestness of the most fierce denunciations of the prophets of Israel.

This emotional intensity is interesting. It is the very stuff from which religious intolerance is made. Curiously enough, and unusual in the history of religion, it is a fervor, however, which is essentially liberal and tolerant as compared with contemporary religious opinion.

[1] Burrage, *English Dissenters*, vol. II, p. 82; Waddington, *Penry*, pp. 113, 114. *Cf.*, however, the language of the Second Scotch Confession of 1580 (Schaff, Credo III, pp. 480 *et seq.*). Luther too went pretty far in this way.

. . . It is to no purpose that her Maiesties subiectes should bestowe their tyme in learning, in the study and medytation of the word, in reading the wrytinges and doinges of learned men and of the holy Martyrs that have bene in former ages, especyally the wrytinges published by her Maiesties authorytie, yf they may not without danger professe and hold those truthes which they learne out of them, and that in such sort, as they are able to convince all the world that will stand against them, by no other weapons then by the word of God. . . . Imprysonment, yndytementes arraignmentes yea death yt selfe, are no meet weapons to convince the conscyence grounded upon the word of the Lord, accompanied with so many testimonies of his famous seruantes and Churches.[1]

Whether one agrees with the religious opinions of Browne, or indeed with Christianity itself, one must recognize an earnestness here, even in their anger against other forms of their religion, which is comparable to the anger of their Master against the scribes and Pharisees. The spirit of Christ's "Woe unto ye scribes and Pharisees" was in the utterances of those Congregationalists, who denounced their fellow Christians as He denounced his fellow Jews for the abandonment of the true principles of religion, truth, and uprightness, and substituted rites and ceremonies and the incidents and unessentials of organization. It is sometimes difficult to tell whether Presbyterianism, Anglicanism, and even Catholicism were most concerned about diversity from the truths which they believed religiously essential or about diversity from their particular form of worship. Congregationalism was intolerant of such substitution of form and ritual for the truths of the religion of Jesus Christ as they saw them. Because this was true, the attacks of Congregationalists were directed against the ecclesiastical organization of Anglicanism, and against the connection between the State and the Church which had established and maintained the Anglican organization; and the grounds of that attack were religious, not merely ecclesiastical, as some

[1] Penry's "Confession and Apology," Burrage, *English Dissenters*, vol. II, p. 87.

writers maintain. Congregationalism was not fighting essentially for the creation of a new form of ecclesiastical organization. Episcopalianism and Presbyterianism as we know them in the United States would not have been exterminated by Congregationalists, nor would Catholicism itself, except as it claims to be the only agent of salvation upon earth. Their tolerance, however, did not extend to the permission of life and the protection of the State for the agnostic and the atheist, or those who denied such essential elements of the Christian faith as the Triune character of the Godhead and the everlasting damnation of sinful men. Their zeal made them more intolerant of such crimes against traditional Christianity than was Anglicanism, for their religious feeling was of primary importance and had not sunk into the background of an ecclesiastical system.

Congregationalists were chiefly subject to condemnation by the government, the Establishment, and the Presbyterians because they attacked the current theory that governmental unity was dependent upon ecclesiastical and religious unity. This position necessarily undermined the favorite doctrine of the age in regard to the headship of the sovereign over the Church.[1] Such tenets were, to the minds of the average Elizabethan Englishmen who occupied positions of trust in Church and State, utterly irreconcilable with political loyalty to the Queen and to the nation. Protestations of submission and loyalty [2] could not convince them. Further, the Congregational system of church organization was essentially democratic and brought Congregationalists in for a persecution more relentless than that directed against the followers of Cartwright;[3] monarchical and aristocratic antagonism to democratic sentiments regarded them as more dangerous. The development of an

[1] Hooker, *Ecc. Pol.*, bk. VIII, chap. I, sec. 2; *Parker Corresp.*, no ccl; Burrage, *English Dissenters*, vol. I, p. 101; vol. II, pp. 28, 63, 64, 78.

[2] Burrage, *English Dissenters*, vol. II, pp. 78, 79.

[3] Elias Thacher and John Copping were hanged in 1583 for "dispersinge of Browne's bookes."

economic and intellectual aristocracy, interested in forwarding social and economic movements antagonistic to its own supremacy, is a matter of comparatively recent growth. In Elizabeth's day and for long after, religious and secular aristocrats were opposed on grounds of economic interest to all movements which looked to the populace for the creation of a church.

A second fault is in their manner of complaining, not only because it is for the most part in bitter and reproachful terms, but also because it is unto the common people, judges incompetent and insufficient, both to determine anything amiss for want of skill and authority to amend it.[1]

Congregationalism could hope to win from the powers of the realm no such freedom of worship as was granted to the foreign congregations in London and elsewhere,[2] for Congregationalists were not so important commercially, industrially, and politically as were these refugees;[3] and could not, it was thought, safely be allowed exemption from laws binding on all Englishmen.

[1] Cranmer's letter to Hooker, Hooker, *Ecc. Pol.*, bk. v, App., no. ii, p. 65; *cf.* Whitgift, *Works*, vol. I, p. 467.

[2] *S. P., Dom., Eliz.*, vol. XXIII, no. 67; *Parker Corresp.*, nos. cxli, cxcvi, and note i, ccxlv, ccxlvii, cccxxii; Burrage, *English Dissenters*, vol. II, p. 118.

[3] Burrage, *English Dissenters*, vol. I, p. 118.

## CHAPTER VIII

## CONCLUSION

THE reign of Elizabeth is not altogether an encouraging field to the idealist seeking in the past for the first rays of the light of tolerance. Catholics were fined, imprisoned, suffered death. Protestants who refused to accept the existing régime endured hardships no less severe. Government compelled adherence to its own Church and that Church stood for no great principle of religious freedom. In the realm of religion no commanding personality stands as the leader or the embodiment of his age; still less as a beacon light to the thought of succeeding ages. Two ecclesiastics alone, Fox and Hooker, are known to-day outside the halls of theological learning: the one as the author of a work which has perpetuated religious and theological bitterness founded upon falsehood and bigotry; the other remembered for the literary style of his prose, but for no great contribution to religious thought or feeling. No single voice was raised to free the minds of men from the restraints of theological and ecclesiastical dogma. The sovereign herself stood for no heroic principle of power or right. Her vices even were not impressive. Her genius for deceit gave her a certain distinction even in a Christendom skilled in lying; but Elizabeth's accomplishments were so petty in positive statesmanship demanding bold imagination and vision as to excite no wonder by their courage and audacity. No statesman under her formulated a bold and striking national religious policy which left his name impressed upon the institutions of his creation. Bickerings hardly worthy the name of religious struggles; an expedient policy so abject as almost to deny the existence of principle; repression without the excuse of a burning faith in an abstract ideal;

these are the superficial characteristics of the age. Yet the importance of the Elizabethan age in the history of toleration stands upon a sure foundation.

When Elizabeth ascended the throne of England more than a generation had passed since Luther had stirred the souls of men by his proclamation of revolt. His call to arms as it echoed over Europe had roused men of all nations to range themselves in fighting mood upon one side or the other. Religious enthusiasm, national feeling, a new vision of moral and intellectual life had stirred Catholicism and Protestantism alike to the very depths. No longer were ideas and ideals to be passively received and held; they became banners to lead armies by, the standards for which men joyfully flung away their strength. Hatred, unreasoning and unreasonable, obscured high purpose and lofty aim; in the name of religious faith both sides descended to unexplored depths of savagery and cruelty. But such sacrifice could not continue. Here and there in Europe evidences of returning sanity were seen. Vicious combat brought desire for peace, and the realization that ultimately an adjustment of its religious quarrels must be made if European civilization was to endure manifested itself in the first vague gropings for some basis of settlement. In Germany a certain basis of toleration in a small territorial setting was offered by the Peace of Augsburg. In France the wisdom of L'Hôpital attempted to secure an adjustment upon humane principles only to be defeated by the militarist elements which broke down the first slight barriers of moderation and left us the memory of St. Bartholomew's Eve. In England the same groping took form in a policy which may appear petty, but which, at least in the maturing consciousness of the national State, created a national Church. The pettiness of England's compromising religious policy may be forgotten and forgiven in the wider significance which that policy has as one phase of a general European adjustment.

That the withdrawal of England from the jurisdiction of

the Papal See afforded no occasion for dramatic declaration of principles makes no less important, in the history of religious toleration, the character of that withdrawal and the attempted adjustment of the religious questions of the age. It is true that the history of intolerance as well as the history of tolerance during the reign of Elizabeth is largely the story of the problems raised by the Catholic question. It is true that all the elements in the English religious situation reflect in their spirit the fact of the Catholic presence. But the fundamental fact that rises above all confusing issues is the unmistakable one that the government formulated and proclaimed a policy designed to meet the dangers of papal politics, not by more persecution but by less.

Primarily the complexities and difficulties of the political situation at the beginning of Elizabeth's reign defined the nature and extent of governmental toleration. The Queen and her officials plainly declared, and their actions backed up the declaration, that the consciences of men should not be violated by interference with their purely religious beliefs so long as conscience was not made the shield and excuse for opinions so depraved as to involve the Queen's subjects in acts of open violence against the State. Such was the degree of toleration made possible by the patriotism and the religious indifference of the nation and by the personal character and convictions of the nation's leaders. The association of English Catholics with the ambitions of Mary Stuart, with the schemes of Philip of Spain, the activity of Jesuits upon the Continent and in England aroused in the nation and in many of its leaders a sense of danger and a strong enmity which threatened this policy. Presbyterianism advocated the extermination of all who adhered to the Roman Catholic faith, and although itself subject to governmental restraint, added strength to that element in the kingdom which upon other grounds opposed the lenient attitude toward the most active religious enemies of the Queen and the nation. Anglicanism also, to a lesser

degree, as it developed an independent ecclesiastical consciousness sometimes displayed a desire to force Catholics into the fold of the English Establishment more insistent than was compatible with the purposes of the Queen and her councillors. The aggressive measures of the papacy compelled the abandonment in part of the liberality at first proclaimed and maintained. Yet the incentives to more drastic measures, whether from Catholic excess and treason or from Protestant prejudice, were never so powerful as to force the government to substitute for the policy it had at first assumed a policy of Catholic extermination.

The fundamental defect in carrying out the government's policy of toleration, however, was not the opposition of the Catholics, not the activity of the Presbyterians, not the ambitions of Anglicans, but the retention of a state ecclesiastical establishment and the idea that ecclesiastical unity was essential to political unity. It was upon this basis that the adjustment proposed by the Elizabethan government rested and it was foredoomed to ultimate failure. The conformity of all men to one ecclesiastical organization, however liberal its doctrinal standards and however formal the degree of conformity demanded, implies a simplicity or a hypocrisy of which men are not so universally guilty. Certainly such a programme could not succeed in an age that had developed two forces so antagonistic as Catholicism and Protestantism. But that the government should have abandoned the accepted belief of the times and permitted complete freedom of worship by no means follows. The religious forces with which it had to deal were themselves too intolerant to enjoy freedom or to employ it intelligently. Freedom would have defeated its own ends; freedom would have brought religious strife utterly beyond the control of the forces of order. Modern tolerance may regret the failure of the Elizabethan attempt, it may clearly recognize the causes of that failure, but only fanatical love of an ideal not yet universally understood in our own time will

refuse to do homage to the measure of success which, with the material at its disposal, Elizabethan England was able to attain.

Elizabethan ecclesiastical and religious bodies reacted to the Catholic danger and to the governmental policy, but the attitude of all toward the spirit of tolerance was also determined by their reactions upon one another and by characteristics peculiar to themselves.

The Elizabethan Establishment was the work of men temperamentally opposed to extreme theories of church government and was from policy fundamentally tolerant as well as inclusive. The doctrinal standards which were set up and the form of the organization itself were such as would imply the least strain upon the consciences and prejudices of the Englishmen whose formal allegiance to its Establishment the government demanded. The political purposes of the Establishment were clear and the function of allegiance to the Church as a test of loyalty to the Crown most evident. Conformity at the first to most of Elizabeth's subjects meant little more than this, but as Catholic opposition became more uncompromising and as Protestant discontent with the religious and ecclesiastical features of the State Establishment became more pronounced and clear-cut, Anglicanism developed an ecclesiastical consciousness of its own worth and excellence in only a minor degree dependent upon its position as an arm of secular politics. The vigorous attack of Presbyterianism upon the Establishment aroused it to defense of itself, not by appeal to its political and national functions alone, but also by championship of the desirability of the Episcopalian organization for its own sake. More radical Protestantism, both in England and upon the Continent, was regarded with less brotherly warmth, and arrangements which had at first been borne as mere expedients became the objects of earnest defense.

Presbyterianism, which was the most persistent and

irritating Protestant enemy Anglicans had to face, presented in Elizabeth's reign few aspects of tolerant spirit. Its lack of power and the necessity, imposed upon it by its weakness, of assuming the postures of petition, were responsible for whatever evidence of Presbyterian tolerance may be discovered. The insistence upon a New Testament ecclesiastical polity and the importance given by Presbyterianism to the form of the ecclesiastical organization as a part of the gospel were more mediæval in tendency than was the retention by Anglicanism and by the government of the idea of national conformity to a state ecclesiastical establishment. Further, the close connection of the Presbyterian form of organization with the cold and precise theology of Calvin made Presbyterianism dogmatically, as well as ecclesiastically, intolerant of all other forms of the Christian religion. Anglicanism developed its own peculiar ecclesiastical organization and doctrinal standards and built into them a spirit that has at all events the virtues of humanness and practicality. English Presbyterianism adopted ready-made a system of church government and the carefully articulated process of reasoning or argument upon which that system rested. It adopted, too, the most consistent and mathematically exact system of theology that Christianity has developed, — Calvinism entire as it was laid down by its creator. Presbyterianism was thus furnished with an ecclesiastical and dogmatic pattern to which it insisted that all organized Christianity must conform. All its direct influence was toward greater intolerance.

Of the ecclesiastical and religious movements developed during the reign of Elizabeth, the one which contained most possibilities of adjustment to modern ways of thinking was the Congregationalist, but it was of least influence upon Elizabethan thought and action, and in her reign developed little beyond the initial stages. The group was religiously and morally fired by intense earnestness and inspired to

righteous indignation and intolerance of the abuses and shame of scholastic Protestant ecclesiasticism. It proposed to destroy the strongest bulwark of national and ecclesiastical intolerance, the connection between Church and State, but, except as a forerunner and a source of later development, the Congregationalists are of no importance for the history of tolerance in the reign of Elizabeth.

Political considerations caused the formulation and promulgation of the one definite theory of religious toleration that the reign of Elizabeth offers us, and political causes also prevented the theory being carried to its logical conclusion, but the success of Elizabethan politics, our judgment of the character of Elizabethan policy, is not to be determined by its religious effects alone. Whatever the success or failure of the attempt at religious adjustment the policy which dealt with the religious situation dealt also with greater things. It was in the days of Elizabeth that the England of to-day was taking shape in commerce, in literature, in national policy. Labor was being faced as a national problem, the theories and the practice of finance were becoming modern, England was entering upon its period of commercial expansion. In response to this new wealth and enlarged outlook England was reveling in the creations of a released and profane imagination. Governmental policy not only for the time freed England from the more savage manifestations of religious hatreds and thus released her energies for development along these lines, but the religious aspects of governmental policy also directly contributed to that development by giving to the nation a great church in which centered much of high national pride.

Society transforms itself slowly, irrationally, with curious inconsistencies. Social groups form alliances and antagonisms rationally impossible. Tolerance and intolerance exist side by side. Tolerance in Elizabeth's reign did not in theory keep pace with national economic, literary, and patriotic

development. The reign had weakened but not cast off the hold of Roman Catholicism upon the nation. Anglicanism had become a great national force with a strong hold upon the affections of Englishmen. Presbyterianism had formed a compact ecclesiastical group. A few, ill-organized champions of church freedom and religious liberalism had begun to make their voices heard in the land. Greater bitterness and more savage quarrels would interfere with the free development of the national spirit, but already was visible the ultimate triumph of that sounder principle of national unity which recognized the element of *variety* in a harmonious whole — a principle which only the modern world has realized. In this field, therefore, as in others, the age of Elizabeth is the threshold to our own.

THE END

# Bibliographical Appendix

# BIBLIOGRAPHICAL APPENDIX

Two purposes have controlled the preparation of this bibliographical appendix: the wish to lighten the foot notes, and the desire to provide a bibliography that may prove useful to other American students. Completeness is impossible; rigid selection would have excluded many works here mentioned. The mention of less reliable works with critical comments will perhaps assist American students who are venturing into this field. The attention given to pre-Elizabethan and general works is necessary to a preliminary understanding of the topic and period. In this portion of the bibliography many omissions would be serious were the purpose other than that of providing introductory material for the study of Elizabethan ecclesiastical and religious history.

The manuscripts of the period of Elizabeth are, of course, not available in America; but the American student who has an opportunity to spend some time in England will find great collections opened to him and every facility for work offered at the Public Record Office, the British Museum, and the Lambeth Palace Library. For the student who is familiar with considerable detail of the reign of Elizabeth the best introduction to the manuscripts is undoubtedly the collection of *State Papers, Domestic, Elizabeth*, in the Public Record Office. These are conveniently bound and represent every phase of the Elizabethan age, so that the student who intends to specialize in this field will be abundantly repaid by reading the whole series. Other series of papers have been arranged and catalogued or calendared so that their use presents few difficulties to the beginner. Unfortunately, however, great masses of manuscript material exist, particularly those under the control of the Ecclesiastical Commissioners, which have never been prepared for use and are, furthermore, not opened under ordinary circumstances to examination by foreign students.

Many great collections of printed sources are available in American university libraries. For such material consult, E. C. Richardson, *Union List of Collections on European History in American Libraries* (Princeton 1912; Supplement: Copies Added 1912–1915, *ibid.*, 1915; A. H. Shearer, *Alphabetical Subject Index*, *ibid.*, 1915).

The *Calendar of the State Papers, Domestic*, for the reign of

Elizabeth has been published by the Government and may be found in several of the larger American libraries. For the student without access to the documents themselves the calendars serve as a very fair substitute, although the *Domestic Calendar* for the earlier years of Elizabeth's reign is too summary in character to be entirely satisfactory. The later volumes are much more complete. The *Foreign Calendar*, the *Venetian Calendar*, the *Calendar of Letters and State Papers relating to English Affairs preserved in the Archives of Simancas*, and the *Calendar of the Carew Papers* assist in making access to the documents themselves less imperative. *The Statutes of the Realme* (printed by command of His Majesty King George the III, 1819) is, of course, essential to any study of English history. Simonds D'Ewes, *Journals of all the Parliaments during the Reign of Queen Elizabeth, both of the House of Lords and House of Commons, revised and published by Paul Bowes* (London, 1682), is necessary for the study of Parliamentary history during the reign. *Tudor and Stuart Proclamations, 1485–1714, calendared and described by Robert Steele, under the direction of the Earl of Crawford* (vol. I, *England*, vol. II, *Scotland and Ireland*, Oxford, 1909), is a work required constantly for that phase of Elizabethan administration, and makes access to H. Dyson, *Queene Elizabeth's Proclamations* (1618), less important. J. R. Dasent, *Acts of the Privy Council of England* (New Series), throws much light on many topics and is essential for an understanding of the activity and importance of the Council in Elizabethan government. In the *Reports from Commissioners, Inspectors and Others* (35 vols., London), the MSS. of the Duke of Rutland comprise four volumes and contain much of interest and importance. Thos. Rymer, *Foedera conventiones literae et cujusque generis acta publica* (20 vols., London, 1726–35), is indispensable. Other collections of first-rate importance are Spencer Hall, *Documents from Simancas relating to the Reign of Queen Elizabeth* (London, 1865); P. Forbes, *Full View of the Public Transactions in the Reign of Queen Elizabeth* (2 vols., London, 1740–41); *State Papers of Sir Ralph Sadler* (ed. Clifford, Edinburgh, 1809); Sir Henry Ellis, *Original Letters Illustrative of English History*.

Several smaller but very useful collections should be found in every college library. Prothero, *Select Statutes and Other Constitutional Documents* (Oxford, 1898); A. F. Pollard, *Tudor Tracts, 1532–1588* (An English Garner, Westminster, 1903); Pocock, *Records of the Reformation* (2 vols., Oxford, 1870).

Printed letters, papers, and writings of Elizabethan statesmen available are, W. Murdin, *Burghley State Papers* (London, 1759); Samuel Haynes, *Collection of State Papers Relating to Affairs in*

*the Reigns of King Henry VIII, King Edward VI, Queen Mary and Queen Elizabeth, from the year 1542 to 1570; transcribed from the original letters left by Wm. Cecil, Lord Burghley* (London, 1740); *The Letters and the Life of Francis Bacon, Including all his Occasional Works* (ed. Spedding, 7 vols., London, 1861–74).

Biographical works sometimes quote largely from the sources, but are usually of little assistance to the historical student because of inaccuracy of quotation and the tendency to make a hero of the subject of study. Further, biographies are often written without a clear understanding of the age, and tend, therefore, to produce distorted estimates. These defects are more usually found in the older books. Edward Nares, *Memoirs of the Life and Administration of the Right Honourable, Wm. Cecil, Lord Burghley* (3 vols., London, 1828–31), is, for instance, almost useless. M.A.S. Hume, *The Great Lord Burghley; A Study of Elizabethan Statecraft* (New York, 1898), on the other hand, is the work of a modern scholar thoroughly familiar with the sources for the whole reign of Elizabeth. Of similar importance is Karl Stählin, *Sir Francis Walsingham und seine Zeit* (Heidelberg, 1908).

Of the great biographical collections the *Dictionary of National Biography* is indispensable as a guide, but will, for the special student, serve as little else, for its summary character gives it rather more than its full measure of the disadvantages of all biographical material. Such collections as Arthur I. Dasent, *Speakers of the House of Commons* (London and New York, 1911); John Lord Campbell, *Lives of the Lord Chancellors and Keepers of the Great Seal of England* (10 vols., London, 1868); E. Foss, *A Biographical Dictionary of the Judges of England* (9 vols., London, 1848–64), may sometimes prove helpful if used intelligently.

For English constitutional and legal history the classical histories remain useful, although extreme caution should be exercised, for statements of fact are often wrong and theories antiquated. Henry Hallam, *The Constitutional History of England from the Accession of Henry VII to the Death of George II with a continuation from George III to 1860*, by Thos. Erskine May (5 vols., New York and Boston, 1865), is a convenient edition of this old work. Thomas Pitt Taswell-Langmead, *English Constitutional History from the Teutonic Conquest to the Present Time* (5th ed., revised by Philip A. Ashworth, London and Boston, 1896), should be checked by other histories and special articles. The only contemporary account of the English Constitution is that of Sir T. Smith, *De Republica Anglorum* (London, 1583). Sir W. Stanford, *Exposition of the King's Prerogative* (London, 1567), is well worth examining.

Of the histories of the English law, W. S. Holdsworth, *A History of English Law* (vol. I, London, 1903), is the most readable. J. Fitzjames Stephen, *History of the Criminal Law of England* (3 vols., London, 1883), is not entirely satisfactory, but has its uses. Sir Edward Coke, *Institutes* (many editions, the one used was that of London, 1809), and Sir William Blackstone, *Commentaries on the Laws of England in Four Books* (ed. by Thos. M. Cooley, 2d ed., 2 vols., Chicago, 1876), are necessary works. James Dyer, *Reports of Cases* (London, 1794), presents much of value. The student of the working of the law will also find much of interest in *The Middlesex County Records*, vol. I, *Indictments, Coroners Inquests, Post-mortem and Recognizances from 3rd Edward VI to the end of the Reign of Elizabeth* (ed. John Cordy Jefferson, published by the Middlesex County Records Society). Miscellaneous special works and articles of use are D'Jardine, *Reading on the Use of Torture in the Criminal Law of England previously to the Commonwealth* (a pamphlet; London, 1837); Crompton, *L'Office et authorité de Justices de Peace* (ed. 1583); George Burton Adams, "The Descendants of the Curia Regis" (*American Historical Review*, vol. XIII, no. 1); Dicey, *The Privy Council* (Oxford, 1860); Conyers Read, "Walsingham and Burghley in Queen Elizabeth's Privy Council" (*English Historical Review*, vol. XXVIII, p. 42); *Record Commission Publications*, vols. I–III: *Cases before the Star Chamber in the Reign of Elizabeth;* C. A. Beard, *The Office of Justice of Peace in England* (New York, 1904).

For ecclesiastical law and administration the classic is probably Sir Robert Phillimore, *The Ecclesiastical Law of the Church of England* (2d edition by his son W. G. F. Phillimore, 2 vols., London, 1895). Felix Makower, *The Constitutional History and Constitution of the Church of England* (trans. London, 1895), is the only work covering that field, but it is inadequate in many respects. Richard Burn, *The Ecclesiastical Law* (8th ed. by R. P. Tyrwhitt, 4 vols., London, 1824), is an old work, but for the student of the Tudor period, not a specialist in the ecclesiastical law, forms a convenient book of reference for terms and processes. Of primary importance is the *Report of the Royal Commission on Ecclesiastical Courts* (London, 1883, 2 vols.). G. C. Brodrick and W. H. Freemantle, *Collections of Judgments of the Judicial Committee of the Privy Council in Ecclesiastical Cases relating to Doctrine and Discipline* (London, 1865), contains much historical material of value in the introduction, although written in defense of a particular theory. W. F. Finlason, *The History, Constitution and Character of the Judicial Committee of the Privy Council Considered as a Judicial Tribunal; Especially in Ecclesiastical Cases*

(London, 187–), is representative of a type of partisan discussion.

For the study of Parliament several works of varying degrees of excellence exist. The old *Parliamentary History of England, from the earliest period to the year 1803* (36 vols., London, 1806–20, vols. 2–12; William Cobbett's *Parliamentary History from the Norman Conquest to the year 1803*) will not prove inviting to the modern student. Edward and Annie G. Porritt, *The Unreformed House of Commons, Parliamentary Representation before 1832* (2 vols., Cambridge, 1903), is a modern work that should not be neglected. C. G. Bayne, "The First House of Commons of Queen Elizabeth" (*English Historical Review*, vol. XXIII, pp. 455–76; 643–82), is a special study of an interesting Parliament.

For the Council and administration, besides works already mentioned, special studies should be consulted, such as Conyers Read, "Factions in the English Privy Council under Elizabeth" (*American Historical Association Annual Report*, 1911, vol. I, pp. 109–20), for a brief summary. Other articles will be found in the *English Historical Review*. Charles A. Coulomb, *The Administration of the English Borders during the Reign of Elizabeth* (University of Pennsylvania Series), deals with one of the most interesting phases of administration.

The political histories of the Tudors are legion, and because of the political character of ecclesiastical and religious history during the period, they treat that phase in considerable detail. A. F. Pollard, *Political History of England from Edward VI to the Death of Elizabeth* (sixth volume in the series, *Political History of England*, edited by W. Hunt and R. L. Poole), is one of the best more recent introductions. The opinions and interpretations offered by J. A. Froude, *History of England from the Fall of Wolsey to the Death of Elizabeth* (12 vols., 1863–66), should not be accepted as authoritative, but his work remains the best detailed account covering the whole period. Green, *History of England* (many editions), is interesting reading. Some works covering sections of the Tudor period are more useful than the general works. E. P. Cheyney, *A History of England from the Defeat of the Armada to the Death of Elizabeth* (vol. I, New York, 1913), deals with a period somewhat neglected by historians and will do much to correct the current impression that Elizabethan history ended with the defeat of the Armada.

For Henry, Edward, and Mary the following are of first-rate importance: Moberly, *The Early Tudors* (Epoch Series); Pollard, *Henry VIII* (London, 1902); J. S. Brewer, *Reign of Henry VIII, from his Accession to the Death of Wolsey* (ed. by J. Gairdner, 2 vols.,

London, 1884); A. DuBoys, *Catherine d'Aragon et les Origines du Schisme Anglican* (Geneva, 1880, trans. by C. M. Yonge, 2 vols., London, 1881); N. Harpsfield, *Treatise of the Pretended Divorce between Henry VIII and Catherine of Aragon* (ed. N. Pocock, Camden Society, 1878); Paul Friedman, *Anne Boleyn, a Chapter of English History, 1527–1536* (2 vols., London, 1884); *Literary Remains of Edward VI* (Roxburghe Club, ed. J. G. Nichols, 2 vols., London, 1857); Sir J. Hayward, *Life and Reign of Edward VI* (London, 1630); P. F. Tytler, *England in the Reigns of Edward VI and Mary* (2 vols., London, 1839); *Chronicle of Queen Jane and Queen Mary* (Camden Society, London, 1850); J. M. Stone, *The History of Mary I, Queen of England, as found in the Public Records, Despatches of Ambassadors, in Original Private Letters, and Other Contemporary Documents* (New York and London, 1901); Zimmerman, *Maria die Katholische* (Freiburg, 1891); Friedman, "New Facts in the History of Mary, Queen of England" (*Macmillan's Magazine*, vol. XIX, pp. 1–12).

For English life and thought during the reign of Elizabeth: Rye, *England as seen by Foreigners in the Days of Elizabeth and James* (1865); E. P. Cheyney, *Social Changes in England in the 16th Century* (Philadelphia, 1895); Mandell Creighton, *The Age of Elizabeth* (Epochs of Modern History, New York, 1884); H. D. Traill, *Social England* (vol. III, New York and London, 1895); Harrison, *Elizabethan England* (Camelot Series); Hubert Hall, *Society in the Elizabethan Age* (London, 1886), an excellent corrective for poetic views; Wallace Notestein, *A History of Witchcraft in England from 1558–1718* (American Historical Association, Washington, 1911), a remarkable study; Payne, *Voyages of Elizabethan Seamen* (First Series, Oxford, 1893); Saintsbury, *Elizabethan Literature;* J. W. Burgon, *Life and Times of Sir Thomas Gresham* (2 vols., London, 1839).

For economic history: W. J. Ashley, *Introduction to English Economic History* (London, 1892); W. Cunningham, *The Growth of English Industry and Commerce;* David D. Macpherson, *Annals of Commerce* (4 vols., London, 1805); J. E. T. Rogers, *The History of Agriculture and Prices* (vol. IV, Oxford, 1882); W. A. Shaw, *History of Currency* (London, 1895); R. Ruding, *Annals of the Coinage* (3d ed. by Aherman, 3 vols., London, 1840); S. Dowell, *History of Taxation* (2d ed., 4 vols., London, 1888).

For the life of Elizabeth: Frank A. Mumby, *The Girlhood of Queen Elizabeth told in Contemporary Letters* (New York, 1909); Wiesener, *The Youth of Elizabeth, 1533–1558* (English trans., 2 vols., London, 1879); M. A. S. Hume, *The Courtships of Queen Elizabeth* (New York, 1896, London, 1898); William Camden,

*The History of the Most Renowned and Victorious Princess, Elizabeth, etc.* (London, 1675); J. Stow, *Annales, continued to the End of 1631 by E. Howes* (London, 1631); E. S. Beesly, *Queen Elizabeth* (London and New York, 1892; Twelve English Statesmen); Mandell Creighton, *Queen Elizabeth* (New York and London, 1900); Thomas Wright, *Queen Elizabeth and Her Times, a series of letters of distinguished persons of the Period* (London, 1838); Collins, *Queen Elizabeth's Defence.*

For the European situation: Arthur Henry Johnson, *Europe in the 16th Century, 1494–1598* (Periods of European History, London, 1900); M. Philippson, *Westeuropa im Zeitalter von Philipp II, Elisabeth u. Heinrich IV* (Oncken Series, Berlin, 1882); Henri Forneron, *Les ducs de Guise et leur époque* (2 vols., Paris, 1877); and by the same author, *Histoire de Philippe II* (2 vols., Paris, 1881–82); J. W. Thompson, *The Wars of Religion in France, 1559–1576. The Huguenots. Catherine de Medic, and Philip II* (Chicago, 1909). *Cf.* also M. A. S. Hume, *Philip II of Spain* (Foreign Statesmen, ed. by J. B. Bury, London, 1897); *State Papers relating to the Defeat of the Spanish Armada* (ed. by J. K. Laughton, vol. I, 1894, Navy Record Society Pub.).

For Scotland and Mary Stuart: David Calderwood, *The History of the Kirk of Scotland* (ed. by Thomas Thomson, vols. I–VI, Edinburgh, 1842–45), one of the older histories of considerable importance. J. Spottiswoode, *History of the Church and State of Scotland* (Spottiswoode Society, Edinburgh, 1851; 1st edition, London, 1655); Thomas Wright, *History of Scotland* (3 vols., London and New York, 1856); Peter Hume Brown, *History of Scotland* (Cambridge Historical Series, ed. G. W. Prothero, 3 vols., Cambridge, 1899–1909); Mathieson, *Politics and Religion, a Study of Scottish History from the Reformation to the Revolution* (2 vols., Glasgow, 1902); P. Lorimer, *John Knox and the Church of England* (London, 1875); David Hay Fleming, *The Reformation in Scotland, Causes, Characteristics, Consequences* (Lectures delivered at Princeton Theological Seminary, 1907–08, London, 1910); *State Papers of Scotland and Mary Queen of Scots, Calendar* (vol. I, Edinburgh, 1898); Antoine Louis Paris, *Négotiations, lettres, et pièces diverses relatives au règne de François II* (in *Collections de documents inédits sur l'histoire de France*, vol. 19, Paris, 1841); Prince A. Labanoff, *Lettres, instructions et mémoires de M. S., reine d'Écosse* (7 vols., London, 1844); J. H. Pollen, *Papal Negotiations with Mary Queen of Scots* (Scottish History Society Pub., vol. XXXVII, Edinburgh, 1901); H. Machyn, *Diary* (Camden Society, London, 1847); J. Anderson, *Collections relating to the History of Mary Queen of Scotland* (4 vols., Edinburgh, 1727–28);

R. S. Rait, *Relations between England and Scotland* (London, 1901); Agnes Strickland, *Mary Queen of Scots, Letters and Documents connected with her Personal History* (3 vols., London, 1843); *The Bardon Papers, Documents relating to the Imprisonment and Trial of Mary Queen of Scots* (edited for the Royal Historical Society by Conyers Read with a prefatory note by Charles Cotton, Camden Society, 3d Series, vol. XVII, London, 1909).

Printed collections of sources for ecclesiastical history are numerous. D. Wilkins, *Concilia Magnæ Britanniæ* (4 vols., London, 1739), is indispensable. Anthony Sparrow, *A Collection of Articles, Injunctions, Canons, Orders, Ordinances and Constitutions Ecclesiastical with Other Publick Records of the Church of England* (4th impression, London, 1684), contains many things of value. Edward Cardwell, *Documentary Annals of the Reformed Church of England from 1546–1716 with notes historical and explanatory* (2 vols., Oxford, 1839), is sometimes inaccurate, and the historical notes are of little value, but is a convenient collection. Gee and Hardy, *Documents Illustrative of English Church History* (New York and London, 1896), is the best of the more recent collections. W. H. Frere, *Visitation Articles and Injunctions of the Period of the Reformation* (3 vols., London, 1910), has superseded all other texts.

Among the publications of various societies will be found practically all the works and writings of Anglican divines. The publications of the Parker Society especially give easy access to great quantities of such material. Among the most important works of this character published by the Parker Society are: *The Correspondence of Matthew Parker, comprising letters written by and to him from A.D. 1535 to his Death A.D. 1572* (edited by John Bruce and Thomas T. Perowne, Cambridge, 1853); the *Works of John Jewel* (edited by John Ayre, 2 vols., 1848–50) contain "The Apology of the Church of England," "The Defence of the Apology," "The Epistle to Scipio," "A View of a Seditious Bull," "A Treatise of the Holy Scriptures," "Letters and Miscellaneous Pieces"; the *Works of Sandys* (London, 1842); Edmund Grindal, *Remains* (edited by William Nicholson, Cambridge, 1843); *Works of Whitgift* (edited by John Ayre, Cambridge, 1851); *Zurich Letters, or The Correspondence of Several English Bishops and Others with some of the Helvetic Reformers, during the Reign of Queen Elizabeth* (trans. and edited by Rev. Hastings Robinson, 2d edition chronologically arranged in one series, Cambridge, 1846). The works of Cranmer, Coverdale, Hooper, Latimer, Bale, Bradford, Bullinger, Becon, Hutchinson, Ridley, and Pilkington also have been published by the Society. For further information see the Parker Society's *General Index* (Cambridge, 1855).

The Anglo-Catholic Library contains considerable material of first-rate importance, and the Camden Society publishes many things not easily procured elsewhere. Lists of the publications of these series should be consulted. Camden Society publications of great value, not conveniently mentioned elsewhere, are: J. Fox, *Narratives of the Reformation* (ed. J. G. Nichols, 1859); John Hayward, *Annals of the First Four Years of Queen Elizabeth* (edited by Bruce, 1840); Mary Bateson, *A Collection of Original Letters from the Bishops to the Privy Council 1564* (Camden Miscellany, vol. IX, London, 1893).

The older biographies are worth consulting for the documents they incorporate, although their accuracy cannot be depended upon. The labors of John Strype (died 1737) produced several lives, published in the Oxford edition of his works (other editions are available in some of the larger libraries), among them the lives of Parker, Grindal, Whitgift, Aylmer, Cheke, Smith, Cranmer, all with abundant collections of sources.

Other collections of works and biographies are Thomas Cranmer, *Remains and Letters* (Jenkyns ed., 4 vols., Oxford, 1833), which should be used in connection with Pollard, *Thomas Cranmer* (1903); Henry Geast Dugdale, *Life and Character of Edmund Geste* (London, 1840); the works of Richard Hooker have been published in whole or part many times, but the edition of Rev. John Keble, *The Works of that Learned and Judicious Divine, Mr. Richard Hooker, with an account of his life and death by Isaac Walton* (2 vols., 3d American from the last Oxford edition, New York, 1857), contains much valuable supplementary material. The writings of Bancroft have not all been reprinted, but his *Dangerous Positions and Proceedings published and practised within this Island of Brytaine under Pretence of Reformation and for the Presbyteriall Discipline* (London, 1593) was reprinted in 1640 and in 1712 and large extracts are given in Roland G. Usher, *Presbyterian Movement as illustrated by the Minute Book of the Dedham Classis* (Camden Society Pub.). Other works of Bancroft are noted elsewhere. Ralph Churton, *Life of Alexander Nowell* (Oxford, 1809), is a life of one of the less conspicuous of the Elizabethan divines.

W. F. Hook, *Lives of the Archbishops of Canterbury* (New Series, 7 vols., 1868–76), contains much material, but is written from the standpoint of a vigorous and somewhat narrow ecclesiastic; it serves rather to throw light upon the opinions of latter-day Anglicanism than upon the period with which it deals. F. O. White, *Lives of the Elizabethan Bishops of the Anglican Church* (London, 1898), is another collection worth examining.

First and early editions of Elizabethan ecclesiastical and religious literature are not readily available in America, but some good public collections exist. That of the Prince Library, now incorporated in the Boston Public Library, contains among other things three copies of Bancroft's *Dangerous Positions*, possibly the only copies in America. The McAlpin Collection in the Union Theological Seminary, New York City, is probably the most complete in this country and contains much not to be found in any other American collection, both of the works of the Elizabethan Anglicans and of their opponents. The collection is now being catalogued by Dr. Charles Ripley Gillett and it is to be hoped that the catalogue will soon be printed. In the mean time it is difficult to say just what will be found there; but the writer has seen *A Brief Discours off the troubles begonne at Franckford in Germany Anno Domini 1554*, in an edition of 1575; Bucer, *On Apparell* (1566); Coverdale's *Letter* (1564); Parker, *Advertisements* (1564); *The Judgement of the Reverend Father Master Henry Bullinger* (1566); Grindal's *Visitation Articles* (1580); Penry's *Defence* (1588); Thomas Bilson, *Perpetual Government of Christ's Church, etc.* (London, 1593); [Bancroft] *Conspiracie for Pretended Reformation, viz. Presbyteriall Discipline;* R. Cosin, *Hacket, Coppinger, etc.* (London, 1593); Thomas Cooper, *An Admonition to the People of England* (London, 1589); J. Lily, *Pappe with an hatchet. Alias A figge for my God sonne or Cracke me this nut* (1589); Richard Bancroft, *A Sermon Preached at Paules Crosse the 9 of Februarie anno 1588* (London, 1588); J. Udall, *Demonstration of the truth of Discipline* (1589); *Whip for an Ape and Martine;* John Davidson, *D. Bancrofts Rashnes in Rayling against the Church of Scotland* (Edinburgh, 1590); *The Execution of Justice in England for maintenaunce of publique and Christian peace, etc.*, by William Cecil (London, 1583). Other early editions available in America are Matthew Sutcliffe, *Treatise of Ecclesiastical Discipline* (1591); also Sutcliffe, *De Presbyterio* (about 1590); Christopher Goodman, *How Superior Powers ought to be obeyed of their subjects* (Geneva, 1558); John Bridges, *Defence of the Government Established in the Church of England for Ecclesiastical Matters* (1587); Richard Cosin, *Apology of and for Sundry Proceedings by Jurisdiction Ecclesiastical* (1593); Sir John Harrington, *Brief View of the State of the Church of England.*

There is some tendency on the part of modern students to neglect the older historians on the score of their undoubted prejudices and inaccuracy; but the student who does so will deprive himself of valuable assistance. The prejudices of the older historians are by no means craftily concealed, and with the number of

printed sources and calendars available inaccuracies can rather easily be checked. With care in regard to these things the modern student will find much of interest and profit in many of the following: J. Strype, *Ecclesiastical Memorials . . . of the Church of England* (3 vols., Oxford, 1822), and the same author's *Annals of the Reformation and Establishment of Religion and other various occurrences in the Church of England during Queen Elizabeth's Happy Reign* (7 vols., Oxford, 1824), both abundantly supplied with collections of papers, records, and letters. Gilbert Burnet, *The History of the Reformation of the Church of England: a new edition carefully revised and the records collated with the originals by Nicholas Pocock* (7 vols., Oxford, 1865), includes Wharton's *Specimen of Errors.* Both Strype and Burnet write from the standpoint of Anglicans. John Lingard, *A History of England from the First Invasion of the Romans* (5th ed., 8 vols., Paris, 1840), is the work of a Catholic of considerable breadth. Jeremy Collier, *An Ecclesiastical History of Great Britain Chiefly of England from the First Planting of Christianity to the End of the Reign of King Charles the Second: with a Brief Account of the Affairs of Religion in Ireland* (ed. by Francis Barham, 9 vols., London, 1840), from the standpoint of a strong Tory and Jacobite at the period of the Revolution of 1688. C. Dodd [H. Tootell], *Church History* (ed. M. A. Tierney, 5 vols., London, 1839–43), written by a Catholic priest as an antidote to Burnet. Peter Heylyn, *Ecclesia Restaurata, or the History of the Reformation of the Church of England* (ed. by James Craigie Robertson and printed by the Ecclesiastical History Society, 2 vols., Cambridge, 1849), and Thomas Fuller, *Church History of Britain* (ed. J. S. Brewer, 6 vols., London, 1837), were written by clerics of the English Church who adhered to Charles I and to the High Church Laudian party. W. Corbett, *Protestant Reformation* (ed. F. A. Gasquet, 2 vols., London, 1896), with which it may be interesting to compare Charles Hastings Collette, *Queen Elizabeth and the Penal Laws, with an Introduction on Wm. Cobbett's "History of the Protestant Reformation." Passing in review the Reigns of Henry VIII, Edward VI and Mary* (Protestant Alliance, London, 1890). Henry Soames, *History of the Reformation of the Church of England* (4 vols., London, 1826–28), and the same writer's *Elizabethan Religious History* (London, 1839), are less interesting than the older works.

The examination of more recent writers on the Church, covering the whole or parts of the Tudor period, will convince the careful American student, unprejudiced by national and ecclesiastical sympathies, that in some respects even greater care is

required in their use than is the case of the older historians. Documents and sources are used more accurately, there is little or no conscious polemic purpose, and prejudices are less obvious, but the student who compares the equally scholarly work of a modern Anglican cleric, a modern Catholic priest, and a nonconformist scholar will often find widely divergent conclusions equally honest. Religious and national prejudices are so difficult to escape that the student should be on his guard constantly, both in his own work and in estimating the work of even the most conscientious of modern scholars.

Richard Watson Dixon, *History of the Church of England from the Abolition of the Roman Jurisdiction* (6 vols., of which vols. V and VI were compiled from the notes and papers of Canon Dixon by Henry Gee), is one of the fairest written by an Anglican clergyman. It is frankly stated that the writer's standpoint is that of a Church of England cleric. James Gairdner, *The English Church in the 16th Century* (1902), and the same author's *History of the English Church from Henry to the Death of Mary* (1902), covering part of the same period, while not entirely free from faults, are most excellent. W. H. Frere, *The English Church in the Reigns of Elizabeth and James I, 1558–1625* (in the *History of the English Church*, edited by W. R. W. Stephens and W. Hunt, London and New York, 1904), is a scholarly introduction to the period, although Frere's patience with the Puritans is not always unstrained. John Hunt, *Religious Thought in England from the Reformation to the Last Century* (3 vols., 1870), is a somewhat older work deserving examination. To the same class belongs John Henry Blunt, *Reformation of the Church of England* (2 vols., New York, 1882). Henry Gee, *Elizabethan Clergy and the Settlement of Religion, 1558–1564* (Oxford, 1898), is a scholarly treatment of one phase of the subject, but this Anglican treatment should be compared with the study of the same subject by a Catholic scholar, Henry Norbert Birt, *The Elizabethan Religious Settlement; A Study of Contemporary Documents* (London, 1907). Gilbert W. Child, *Church and State under the Tudors* (London and New York, 1890), is as clear-sighted as any work the student can wish to examine. On the same topic as Arthur Elliot, *The State and the Church* (London and New York, 1896), a great deal of literature of historical value will be found arising from the recent attempts to bring about disestablishment. Roland G. Usher, *The Reconstruction of the English Church* (2 vols., New York and London, 1910), is a brilliant work written by an American scholar. S. F. Maitland, *Essays on Subjects connected with the Reformation in England* (reprinted with an introduction by A. W. Hutton,

London and New York, 1899), is the work of one of the most able of the older English scholars and deals with early and pre-Elizabethan topics. These essays should be studied carefully. Bishop Stubbs, *Seventeen Lectures on the Study of Mediæval and Modern History* (Oxford, 1900), is, naturally, scholarly and suggestive.

Histories of particular dioceses are published by the Society for Promoting Christian Knowledge in a series called *Diocesan Histories*. Of particular interest are J. L. Low, *Durham* (London, 1881); R. H. Morris, *Chester* (London, 1895); H. W. Phillott, *Hereford* (London, 1888); R. S. Ferguson, *Carlisle* (London, 1889). For the Universities consult J. B. Mullinger, *History of the University of Cambridge*, and Anthony à Wood, *Historia et antiquitates universitatis Oxoniensis* (Oxoniæ, 1674). Thomas Baker's *History of the College of St. John the Evangelist, Cambridge*, has been edited by J. E. B. Mayor (2 vols., Cambridge, 1896). Among the many local histories published by local history-societies and antiquarians William Watson, *Historical Account of the Ancient Town and Port of Wisbeach* (Wisbeach, 1827), will be very helpful.

For Convocation, T. Lathbury, *History of the Convocation of the Church of England* (1st ed., London, 1842; 2d ed., London, 1853); F. Atterbury, *Rights and Privileges of an English Convocation* (2d ed., London, 1701). G. Nicholsius, *Defensio Ecclesiæ Anglicanæ* (London, 1708), has an interesting section on "*homiliarum in nascente Reformatione usus*," and some material on the same topic will be found in J. T. Tomlinson, *The Prayer Book, Articles and Homilies* (London, 1897).

On the Prayer Book there are several works of first-rate importance, but the following will prove particularly useful: F. Proctor and W. H. Frere, *New History of the Book of Common Prayer* (London, 1901); Nicholas Pocock, *The Reformation and the Prayer Book* (London, 1879); F. A. Gasquet, *Edward VI and the Book of Common Prayer* (London, 1890); J. Parker, *The First Prayer Book of Edward VI* (Oxford, 1877); N. Pocock, *Troubles connected with the First Book of Common Prayer* (Papers from the Petyt MSS., Camden Society, London, 1884); L. Pullan, *History of the Book of Common Prayer* (London, 1900); H. Gee, *The Elizabethan Prayer-book and Ornaments* (London, 1902); E. C. Harrington, *Pope Pius IV and the Book of Common Prayer*.

For the Thirty-nine Articles *cf.* E. C. S. Gibson, *The 39 Articles* (2d ed., London, 1898); C. Hardwick, *History of the Articles of Religion* (Cambridge, 1859).

For the liturgies: *Liturgies of Edward VI* (Parker Society, edited by J. Kelley, Cambridge, 1844); *Liturgies set forth in the Reign of Elizabeth* (Parker Society, edited by Clay, Cambridge, 1847).

For episcopacy and the apostolic succession consult: Bishop Hall, *Episcopacy by Divine Right Asserted;* E. E. Estcourt, *Question of Anglican Ordinations* (London, 1873); Stubbs, *Apostolical Succession in the Church of England;* John Bramhall, *On Apostolic Succession of the Church of England*, in *Works* (ed. by A. W. Haddon, 5 vols., Oxford, 1842–45); Samuel F. Hulton, *The Primacy of England* (Oxford and London, 1899); Francis Johnson, *A Treatise of the Ministry of the Church of England;* Pierre François Courayer, *Dissertation on the Validity of the Ordinations of the English and of the Succession of the Bishops of the Anglican Church; with the proofs establishing the facts advanced in this work* (Oxford, 1844). The works of Saravia should be examined, especially *De diversis gradibus ministrorum* (London, 1590). He defended the episcopal forms and the succession during the last years of Elizabeth's reign and had considerable influence upon the Anglican divines. There are long quotations from sixteenth-century Anglican writers in A. J. Mason, *The Church of England and Episcopacy* (Cambridge, 1914).

For an understanding of what Erastianism is, *cf.* J. N. Figgis, "Erastus and Erastianism" (*Journal of Theological Studies*, vol. II, p. 66).

The older histories of the nonconformists and dissenters are many of them prejudiced in the extreme and misrepresent facts and motives, but should be examined as carefully as the Anglican histories of the same class. Neal, *History of the Puritans*, should be read in connection with Madox, *Vindication of the Church of England against Neal.* Benjamin Hanbury, *Historical Memorials Relating to the Independents* (1839–44); Marsden, *History of the Early Puritans;* Samuel Hopkins, *The Puritans or the Church, Court, and Parliament of England during the Reigns of Edward VI and Queen Elizabeth* (3 vols., Boston, 1859–61), a common book, but of little value; Benjamin Brook, *Lives of the Puritans* (3 vols., London, 1813), is little more than a series of brief biographical sketches, sometimes useful in locating particular men, but of no historical value. John Brown, *The English Puritans* (Cambridge, 1912, Cambridge Manuals of Science and Literature), is a good recent introduction to the subject. Henry W. Clark, *History of English Nonconformity from Wiclif to the close of the 19th Century* (vol. I, 1911, deals with the period up to the early Stuarts; vol. II, London, 1913, *The Restoration*). Champlin Burrage has written and published much on various phases of English dissent and all his work is worthy of examination, some of it indispensable. Of his writings the following are important: *The Early English Dissenters in the Light of Recent Research, 1550–1641* (2 vols., Cam-

bridge, 1912. Vol. I, *History and Criticism;* vol. II, *Illustrative Documents*, many of them hitherto unpublished), is a most scholarly treatment from the factual standpoint, and the introduction contains a valuable discussion of the literature. *Cf.*, also, Champlin Burrage, *The True Story of Robert Browne, 1550–1633, Father of Congregationalism* (London, 1906); *The 'Retraction' of Robert Browne, Father of Congregationalism, being a Reproofe of certeine Schismatical persons* [i.e., Henry Barrowe, John Greenwood and their Congregation] *and their Doctrine, etc., written probably about 1588* (London, 1907); *The Church Covenant Idea; Its Origin and its Development* (American Baptist Publication Society, Philadelphia, 1904); *John Penry, the So-called Martyr of Congregationalism as revealed in the Original Record of His Trial and in Documents related thereto* (Oxford and London, 1913); *Elizabethan Puritanism and Separatism.* The work of Henry M. Dexter is also important, although of somewhat different character and perhaps not so accurate as that of Burrage. *Cf.* Dexter, *Congregationalism, What it is, Whence it is, How it Works, etc.* (Boston, 1865); *Congregationalism as Seen in its Literature* (New York, 1880); *The True Story of John Smyth, the se-baptist as told by himself and his contemporaries* (Boston, 1881). For the Congregational and Baptist development: R. W. Dale, *History of English Congregationalism* (London, 1907); John Clifford, *The Origin and Growth of the English Baptists* (London, 1857); Thomas Crosby, *A History of the English Baptists from the Reformation to the Beginning of the Reign of King George I* (London, 1738); and for the Anabaptists, H. S. Burrage, *The Anabaptists of the 16th Century* (American Society of Church History Papers, vol. III, pp. 145–64, 1891); John Waddington, *John Penry, the Pilgrim Martyr, 1559–1593* (London, 1854), may prove of some assistance.

For the Martin Marprelate controversy: William Pierce, *An Historical Introduction to the Marprelate Tracts, A Chapter in the Evolution of Religious and Civil Liberty in England* (New York, 1909), and the same writer's *Marprelate Tracts, 1588, 1589, with notes historical and explanatory* (London, 1911), are the best books on the subject. William Maskell, *A History of the Martin Marprelate Controversy;* Edward Arber, *An Introductory Sketch to the Martin Marprelate Controversy* (*English Scholars' Library*); H. M. Dexter, *Martin Marprelate Controversy*, present the views of older scholars. Many of the original tracts, and some of the replies as well, are in the McAlpin Collection in the Union Theological Seminary Library. For detailed literature see Pierce, *Introduction*, and *Tracts.*

Other writings of the dissenters and nonconformists will be

found in various collections and libraries. W. H. Frere and C. E. Douglas have edited *Puritan Manifestoes, A Study of the Origin of the Puritan Revolt. With a reprint of the Admonition to the Parliament and kindred documents, 1572* (Society for Promoting Christian Knowledge, in the Church History Society Publications, vol. LXXII, London and New York, 1907). Arber, *English Scholars' Library*, contains many things and the list for that series should be consulted. It contains a reprint of *Brief Discourse of the Troubles at Frankfort;* J. Udall, *A Demonstration of the Truth of Discipline;* Udall, *Diotrephes, Pappe with a Hatchet*, is printed in *Elizabethan and Jacobean Pamphlets*, edited by George Saintsbury.

For the Presbyterians and their leaders in Elizabeth's time, there is abundant source material, but few works of first-rate importance. Benjamin Brook, *Memoirs of the Life and Writings of Thomas Cartwright* (London, 1845), is still, so far as the writer knows, the only life of that eminent and vigorous Presbyterian, and it is to be hoped that a new one will soon take the place of Brook's work. Roland G. Usher, *The Presbyterian Movement in the Reign of Queen Elizabeth as illustrated by the Minute Book of the Dedham Classis, 1582–1589* (Camden Society, 1905), presents an interesting theory with considerable backing of fact. W. A. Shaw, "Elizabethan Presbyterianism" (*English Historical Review*, vol. III), is worth reading.

Three works touching the Familists are the chief source for the English group: Henry Nickolas, *An Introduction to the holy understanding of the Glass of Righteousness;* J. Knewstubs, *Confutation of certain monstrous and horrible heresies taught by H. N. 1579;* and John Rogers *The displaying of an horrible sect of gross and wicked heretics, naming themselves, the Family of Love; with the lives of the Authors etc.* (London, 1578).

For the Catholics in England during the reign of Elizabeth a great deal of material has been published, much of it unfortunately, whether written by Anglican, Catholic, or nonconformist, not very reliable. Arnold Oskar Meyer, *England u. die Katholische Kirke unter Elisabeth u. den Stuarts* (vol. I unter Elisabeth, Rom, 1911; translated, St. Louis, 1916), is a scholarly work by a German who has carefully studied the documents. Ranke, *Analecte in die Römische Papste* (translated in the Bohn Library) is still a very useful work. F. G. Lee, *Church under Q. Elizabeth* (2 vols., 1880), is a work by no means fair, but suggestive in many respects. Nicholas Sander, *Rise and Growth of the Anglican Schism, published 1585 with a Continuation of the History by the Rev. Edward Rishton* (translated with an introduction and notes by David Lewis, London, 1877), is an excellent example of contemporary

Catholic writing. *Catholic Tractates of the 16th Century* (ed. T. G. Law, Scottish Text Society, Edinburgh, 1901), gives further material of somewhat the same character. Raynaldus, *Annales Ecclesiastici*, should most certainly be used although on many points not to be depended upon. For the Council of Trent the old classical histories of Sarpi and Pallavicino remain the best works.

For the Popes: W. Voss, *Die Verhandlungen Pius IV mit den katholischen Machten* (Leipzig, 1887); an article by Maitland, "Queen Elizabeth and Paul IV" (*English Historical Review*, vol. xv, p. 326); Mendham, *Life and Pontificate of Pius V* (London, 1832; supplement, 1833).

Works of value in the study of the treatment of the English Catholics are: Phillips, *Extinction of the Ancient Hierarchy* (London, 1905); T. E. Bridgett and T. F. Knox, *The True Story of the Catholic Hierarchy deposed by Queen Elizabeth* (London, 1889); T. F. Knox, *Records of Anglican Catholics under the Penal Laws* (London, 1878); Bishop Challoner, *Memoirs of Missionary Priests and Other Catholics of Both Sexes that have suffered Death in England on Religious Accounts from 1377–1684* (ed. T. G. Law, Manchester, 1878); Charles Buller, *Historical Memoirs of the English, Irish and Scottish Catholics since the Reform* (3d ed., 4 vols., London, 1822); Cardinal Manning, *Calendar of Martyrs of the 16th and 17th Centuries* (London, 1887); T. G. Law, *A Calendar of the English Martyrs of the 16th and 17th Centuries* (London, 1876); Pollen and Burton, *Lives of the English Martyrs, 1583–1588* (1914), is the latest. All these works must be used with considerable caution.

The work of J. H. Pollen, a modern Catholic scholar, deserves the highest consideration. *Cf.* especially his *Unpublished Documents relating to the English Martyrs* (vol. I, 1584–1603, Catholic Record Soc. Pub. v, 1908); *Acts of the English Martyrs hitherto unpublished* (London, 1891), and various articles in *The Month*. Especially "Religious Terrorism under Q. Elizabeth" (March, 1905); "Politics of English Catholics during the Reign of Q. Elizabeth" (1902); "The Question of Queen Elizabeth's Successor" (May, 1903).

Consult also the following: F. A. Gasquet, *Hampshire Recusants, a story of their troubles in the time of Elizabeth* (London, 1895); J. J. E. Proost, *Les refugiés anglais et irlandais en Belgique à la suite de la reforme religieuse établie sous Elisabeth et Jacques I;* Guilday, *English Catholic Refugees on the Continent* (vol. I, 1914); M. A. S. Hume, *Treason and Plot, Struggles for Catholic Supremacy in the Last Years of Q. Elizabeth* (new edition, London, 1908); the

article by R. B. Merriman, "Notes on the Treatment of the English Catholics in the reign of Elizabeth" (*American Historical Review*, vol. XIII, no. 3), is by an American scholar and exceedingly fair.

On the Bull of Excommunication two of the most interesting contemporary pamphlets are *Bullæ Papisticæ ante brennum contra sereniss. Angliæ Franciæ et Hiberniæ Reginam Elizabetham et contra inclytum Angliæ regnum promulgatæ Refutatio, orthodoxæque Reginæ et Universi regni Angliæ defensio Henrychi Bullingeri* (London, 1572), and *A Disclosing of the great Bull and certain calves that he hath gotten and specially the Monster Bull that roared at my Lord Bishops Gate.* (Imprinted at London by John Daye.) On the same topic see M. Creighton, "The Excommunication of Q. Elizabeth" (*English Historical Review*, vol. VII, p. 81).

For the Jesuits consult: Robert Persons, *The First Entrance of the Fathers of the Society into England* (ed. J. H. Pollen, Catholic Record Society, *Miscellanea*, vol. II, 1906); Henry Foley, *Records of the English Province of the Society of Jesus* (8 vols., London, 1877–83); Ethelred L. Taunton, *The History of the Jesuits in England, 1580–1773* (Philadelphia and London, 1901); T. G. Law, *Historical Sketch of the Conflicts between Jesuits and Seculars in the Reign of Queen Elizabeth with a Reprint of Christopher Bagshaws' 'True Relation of the Faction begun at Wisbich'* (London, 1889). Biographical material: Richard Simpson, *Edmund Champion, a Biography* (London, 1867); *The Letters and Memorials of Wm. Cardinal Allen, 1532–1594* (edited by the Fathers of the Congregation of the London Oratory, London, 1882); Morris, *Life of Father John Gerard* (London, 1881).

For the student particularly interested in the development of toleration and liberty the following books are suggested: James Mackinnon, *A History of Modern Liberty* (3 vols., London, 1906–08, vol. II, *The Age of the Reformation*, and vol. III, *The Stuarts*). Sir Frederick Pollock, "The Theory of Persecution," in *Essays on Jurisprudence and Ethics;* Schaff, *Religious Liberty* (in Publications of the American Historical Association, 1886–87); Mandell Creighton, *Persecution and Tolerance* (Hulsean Lectures, 1893–94, London and New York, 1895); J. O. Bevan, *Birth and Growth of Toleration* (London, 1909); Sir James Fitzjames Stephen, *Liberty, Equality and Fraternity.* One of the best studies is A. A. Seaton, *Theory of Toleration under the Later Stuarts* (Cambridge, 1911), and it has an introduction of primary importance. *Cf.*, also, C. Beard, *The Reformation of the 16th Century in its relation to modern Thought and Knowledge* (London, 1883). H. T. Buckle, *History of Civilization in England* (2 vols., New York, 1891, from

the 2d London ed.), takes a view now somewhat antiquated, but worth considering. The intellectual aspects of the development are ably presented by J. B. Bury, *A History of Freedom of Thought* (*Home University Library*), and in greater detail by J. M. Robertson, *A Short History of Freethought* (2 vols., New York, 1906).

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